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A
VINDICATION
OF THE
Case of Allegiance
DUE TO
Sovereign Powers,
In REPLY to an
ANSWER

To a late Pamphlet, Intituled,
Obedience and Submission to the Present Government, demonstrated from Bishop Overal's Convocation-Book; with a Postscript in Answer to Dr. Sherlock's Case of Allegiance, &c.

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A
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IN a *Postscript* to an *Answer* to a late Pamphlet intituled, *Obedience and Submission to the Present Government, demonstrated from Bishop Overal's Convocation Book*, the Author is pleased to Examine what I have said relating to the said Subject, in my *Case of Allegiance due to Sovereign Powers*; He writes with great triumph and assurance, which it seems Men may do, who are resolved never to own a Mistake; though he thinks it unpardonable in me, who have been so weak, as to confess, that I am not Infallible, ever to believe my own Senses again. He threatens an Answer to my Arguments *in due Time*; and I will patiently expect till his *due Time* comes, and apply myself at present to his *Postscript*, and *Answer*, as far as I am concerned in it; but shall beg leave to follow my own Method, and justify what I have said in the same Order, I have said it in, his altering of which has more Art than Honesty in it.

The Mighty Place, as he truly calls it, is *Chap. 28. Pag. 57.* where the *Convocation* having given an Account of the Various and Irregular Revolutions of Government, brought about by the Providence of GOD, "who for the Sins of any Nation
"or Country, altereth their Governments and Governours, trans-

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" ferreth, setteth up, and bestoweth Kingdoms, as it seemeth best
 " to his heavenly Wisdom, they add these remarkable Words:
And when having attained their Ungodly Desires, (whether ambitious Kings by bringing any Country into their Subjection, or disloyal Subjects by their rebellious Rising against their natural Sovereigns) they have established any of the same degenerate Forms of Government among their People; the Authority either so Unjustly gotten, or wrung by Force from the true and lawful Possessor, being always GOD's Authority (and therefore receiving no Impeachment by the Wickedness of those that have it) is ever (when any such Alterations are thoroughly settled) to be Reverenced and Obeyed, and the People of all sorts (as well of the Clergy, as of the Laity) are to be subject unto it, not only for Wrath, but also for Conscience sake.

This I then thought, and think so still (though our Author thinks not) a very plain Testimony, that all Usurped
Cast of Al- Powers, when thoroughly settled, have GOD's Authority, and
lig. P. 5. must be Obeyed: And while I was transcribing this Passage, there came to my hand the *New Observer* of Friday, Dec. 5, 1690, Vol. 3. Numb. 12. containing a Letter written by King James the First, with relation to this very Convocation, which he says he transcribed *Verbatim* from the Original, communicated to him by an eminent Person, in whose hands it is; the four last Lines of which are written with King James's own hand, and the rest, as he guesses, by the then Secretary of State. The Letter was written to Dr. Abbot; I shall not transcribe the whole, but such Passages as may satisfy us, how King James himself understood the Convocation.

You have dipt too deep in what all Kings reserve among the Arcana Imperii. And whatever Aversion you may profess against GOD's being the Author of Sin, you have stumbled upon the Threshold of that Opinion, in saying upon the matter, That even Tyranny is GOD's Authority, and should be reverenced as such. If the King of Spain should return to claim his old Pontifical Right to my Kingdom, you leave me to seek for others to Fight for it; for you tell me upon the matter before hand, his Authority is GOD's Authority, if he prevail.

This makes so much for our Author indeed, that King James did not like the Doctrine of the Convocation, no more than he does; but then it proves against him, that K. James understood the Convocation not in his, but in my Sense: For when he charges them with saying upon the Matter, (that is, in sense, tho' not

not in exprefs words) that *Tyranny is God's Authority, and should be revered as such*, it is the very Interpretation I there give of it, That those Princes, who have no legal Right to their Thrones, may yet have God's Authority: for by *Tyranny* the King meant such Princes as are *Tyranni sine Titulo*, or Illegal Kings; for as for Tyrants *Exercitio*, who are Rightful Kings, but govern Tyrannically, neither K. James nor this Author would dispute, whether they have God's Authority. And if they may have God's Authority, whilst they are in the first sence *Tyrants*, or have no legal Right to their Thrones, then their Government may be thoroughly settled as the Convocation speaks, without a legal Right; for till a thorough Settlement, according to the Doctrine of the Convocation, they have not God's Authority; and when the King charges them with saying upon the matter, That *Tyranny is God's Authority*, he must conclude, that they taught, that such Tyrants might be thoroughly settled in their Government; for if they cannot be settled till they obtain a legal Title, they must cease to be such Tyrants, before they have God's Authority: And it is evident, that K. James did not apprehend, that the Convocation meant by a thorough Settlement, (as this Author expounds it) a Settlement by the Death or Cession of the rightful King and all his Heirs, or by a long Prescription of an hundred Years, of which more presently; for he was afraid, that by this Doctrine, the King of Spain, should he claim by his Pontifical Right, and prevail in it, might, while he himself lived, be so thoroughly settled in the Kingdom of England, as to have God's Authority, and then his Subjects must not Fight for him, their old rightful King, against the King of Spain, who by a thorough Settlement and Possession of the Throne of England, would be invested with God's Authority, and must not be opposed by the Subjects of England. The King disliked this Doctrine so much, that he thought fit to suppress it, and to reserve it among the *Arcana Imperii*; which was a much wiser course then to palliate it with such forced Interpretations, as no impartial Reader can think to be the sence of the Convocation. If I have mistaken the sence of the Convocation, I have done no more then King James did, who was nearly concerned to know, what they meant: if I err in following the Convocation, I err with as great and learned Men, as any Age of the Church has bred; I err with the Church of England, if we may learn the Sence of the Church from a Convocation.

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But let us set aside the *King's Letter*, and try if we can learn the sense of the *Convocation* from the *Convocation* itself.

I observed in the first place, from the Words of the *Convocation*, *Cass of Al-* That those Princes, who have no Legal Right to their Thrones, may
 lig. P. 5. yet have God's Authority: which I proved, because the *Convocation* speaks of Illegal and Usurped Powers, and yet affirms, that the Authority exercised by them, is God's Authority.

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To this our Author answers, The Doctor will not, but the *Convocation* distinguishes between the means of acquiring the Power, and the Power itself; the means of acquiring Power may be very unjust and illegal, and yet the Power afterwards may be very Legal. But the Doctor resolves they must be all one; and because the *Convocation* speaks of the Ambition of encroaching Kings, and the Rebellion of Subjects, as a means, whereby Governments have been altered; therefore by a Government being thoroughly settled, they must mean usurped Powers. As if it were impossible for such beginnings afterwards to acquire a Right, and to terminate in a Legal Title; and till that is, the Government is as unjust as the Rebellion and Encroachment. So that according to this Author, a Government, which is illegally and wickedly begun, when it is legally settled has God's Authority, and this is all, that the *Convocation* meant by it.

As for what he says, That I will not distinguish between the means of acquiring Power, and the Power itself. I do not indeed distinguish as he does, but I distinguish as the *Convocation* does, that the Means are wicked; but the Power and Authority is Gods; which is all the distinction the *Convocation* makes; and I desire him to shew me, where the *Convocation* says, that the Government which is illegally acquired, cannot be thoroughly settled, till it becomes Legal; if this had been their meaning, it had been easily said, and had prevented all mistakes about it, which their words without this limitation are very apt to betray Men into.

I believe all unbiassed Men who are not prepossessed with other Notions, and concerned, that the *Convocation* should be on their side, would never dream of our Author's Sense of the *Convocation*.

For 1. If the *Convocation* meant no more than our Author says, that a Government illegally begun, when it is legally settled, has God's Authority, what a wonderful discovery is this, that Legal Princes have God's Authority! for who doubts of this? What need was there to introduce this with such a long pompous Preface of the changes of Government, by the Ambition of Princes, and the Rebellion of Subjects? For let Governments
 begin

begin how they will, when they are once legally settled, no Man, that I know of, who owns the Authority of any Government to be from God, disputes theirs. Which makes me wonder at our Author's reason, *viz.* *Left it should be thought, that wicked ways of obtaining this Right, was a prejudice to the Right itself, and people should from thence take occasion to rebel, and disturb all the Governments of the World, because they could not shew an express Order from God, or derive the Pedigree of their Government even from Adam and Noah; to prevent the terrible Confusion that such a Notion would make in the World, they say, That the wicked ways of attaining it, or the wickedness of the persons that have it, is no impeachment of the Right itself; but when it is attain'd it is God's Authority, and ought to be obeyed.*

Answer,
pag. 21.

That is to say, a wise and grave Convocation write a whole Chapter to confute a Notion, without naming it, or giving any hint at it, which if ever it entred into any mad Man's Head, yet never did, never can disturb any Government, till a Nation is fitter for *Bedlam*, than to be directed by a Convocation: whereas the Difficulties occasioned by the Changes and Revolutions of Government, especially when a rightful Prince is dispossest, and another settled in his Throne, are very great, and worthy of the determination of a Convocation to direct Mens Consciences in such cases; and which is the most probable account of this matter, let every one judge.

2dly, When the Convocation speaks of the Settlement of Illegal Powers, which began by Ambition and Rebellion, it is manifestly unreasonable, unless it had been expressed, to expound this of a Legal Settlement, by acquiring a new Legal Right. Settlement, I grant, as our Author says, is a Term of Law, and used by Lawyers of a Legal Settlement, and must always in reason be understood so in Law, when the contrary is not expressed; but yet a firm and stable possession without Right, must be confessed, to be a Settlement too, though not a rightful Settlement: I suppose, our Author will not deny, but that the Government was settled in fact under the Three *Henries*, tho' in his sense it was not a Legal Settlement.

Now as it is reasonable in Law, to understand a Settlement of a Legal Settlement, when the contrary is not expressed, because the Law must speak of such Settlements as are according to Law; so for the same reason, when the Convocation speaks of the Settlement of Powers, which are against Law, it must be understood

stood of the Settlement of Possession, not of Right, unless this had been expressed; for the only ordinary way of settling illegal Powers is by Possession, not by Right, and that ever such Powers be afterwards legally settled is a great accident, and therefore the natural and obvious exposition of *Settlement* in such Cases, is a Settlement of Possession; and it argues great perverseness of mind to reject that sense of the Word, which is proper to the Subject to which it is applied, for such a Sense as is forreign and unnatural.

It is plain, that the *Right* and *Settlement* of *Government* are two very different things, for they may be parted; the first relates to the Title, the second to the settled Possession, and Exercise of Government: and whenever a rightful King is disposed, our *Author* must grant, that his Settlement is gone, tho' not his Right; and if Right and Settlement may be parted, I desire to know, why there may not be a Settlement without Right; and then it is ridiculous to conclude, that Settlement must always signify Right.

Nay, the Addition of *Thorough* plainly refers Settlement to Possession, and not to Right; for there are no degrees of Right, no more than there are of Truth; for all Right in this Case of a Legal Title is *Thorough* Right; but there are degrees of Settlement, as that signifies Possession; for Princes may be more or less settled in the Possession and Exercise of Government; which is reason enough to expound *thoroughly settled* of a *thorough settled* possession of Power, and Authority, or a compleat and perfect Administration of the Government.

3dly, Let us consider what our *Author* makes necessary to the thorough Settlement of such Powers as begin by Usurpation or Rebellion, and try what sense it will make of what the *Convocation* lays.

Answer,
pag. 19.

Now he tells us, That a Right to a Government may be acquired, by the death or cession of the Person in whom the Right was: and thus (he says) is the case: In this Chapter the *Convocation* mentions several Variations of Government, as to the Forms, Aristocracy and Democracy; and as to the ambitious encroaching of Kings upon their Neighbours; and particularly the Four Monarchies, and the King of Babylon upon the Jews: All which respective Governments; tho' they were begun by Rebellion, Ambition, and unlawful means (which the *Convocation* condemns) yet afterwards they became lawful Governments, and had such a right to the respective Governments they did possess: and this

this is to be *thoroughly settled*. To the death and cession of the person in whom the Right was, he adds in another place, *when the right to the Government is acquired by prescription, and that is a long and uninterrupted possession joyned with the consent of the people*; that is, a possession of an hundred Years, as he has learnt from Bishop Buckeridge. So that to make a legal settlement of a Government illegally begun, the rightful Prince, and all his Heirs, must die, or resign up their Government to the Usurper; or the Usurper and his Heirs must reign about an hundred Years, and then he may come to be a legal King; though this settlement by *prescription* I do not well understand. For suppose the Usurper should have an uninterrupted possession of an hundred Years, will this make him a rightful King without *the death or cession* of the whole Royal Family? If it will, how does the Royal Family come to lose their right by an usurped possession of their Throne? for how long soever it has been, it is an usurpation still, and the right is still in them: and if an usurpation will destroy their right, why not a short usurpation, as well as a long one? for it is all but usurpation still: and how will our *Author* justify the people in consenting, that such an usurper should reign, while their rightful King is living? or how long must the usurper reign before the people must consent to it? and how long must he reign afterwards with their consent, before he comes to be *thoroughly settled* as a lawful King? or if the lawful King must die, or resign his Crown to settle the usurper, what need of so long a prescription? since he tells us, that a *possessory Right is something, and where there is no better, that ought to carry it*; and the conclusion from hence is this: That any person (by what means soever) gaining the possession of the Throne, if there be no better claims against him, then he hath a right to it, and *Ibid. p. 19.* then and not till then he is *thoroughly settled*. So that according to my understanding, this prescription signifies nothing. If there be no body, that has a better claim to the Crown, possession gives a right: if there be, I desire to know of our *Author*, whether an hundred years possession is a good right against a better claim; or how this better claim comes to expire after an hundred years usurpation? But however, we will take it all together, and see what can be made of it.

Now I observe, 1. That all the *Convocation* says, relates to the visible and actual alterations of Governments and Governments, and translation of Kingdoms, *brought about by the wicked-*

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ness of men, but disposed by the divine foresight and providence to accomplish his own wise counsels. Now this is matter of fact, not of right, unless all alterations of Government are rightful and legal: and therefore the settlement of such alterations is an actual not a legal settlement of them. And this brings the Dispute to matter of sense; for if such alterations of Government and translation of Kingdoms may be made and settled without the death or cession of the rightful King, and without the prescription of an hundred years, then the death or cession of the King, or a long prescription cannot be necessary to the settlement, the *Convocation* speaks of; for there may be an actual and visible settlement without it, which is all that is required to an actual and visible translation of Kingdoms; and that is all the *Convocation* intended. And he who will venture to say, that a new Prince can't be actually and visibly settled in the Throne, while the old rightful King is living and makes his claim, shall dispute by himself for me.

2ly. The *Convocation* expressly teaches, that the Authority, which is God's Authority, and must be revered and obeyed, when such Alterations are *thoroughly settled*, is the Authority, which is *unjustly gotten, or wrung by force from the true and lawful possessor*: and then it is plain, it is not a legal Authority by the death or cession of the rightful King; for we are to obey it, as God's Authority, though it be wrung by force from the true and lawful possessor; and though the present possessor should have no other visible Title to it, but such unjust force. The words are these: *The Authority either so unjustly gotten, or wrung by force from the true and lawful possessor, being always God's Authority (and therefore receiving no impeachment by the wickedness of those that have it) is ever (when any such alterations are thoroughly settled) to be revered and obeyed, &c.* Now let any man, who understands Grammar, construe this otherwise, if he can. What Authority is that, which must be obeyed and revered? It is (says the *Convocation*) *the Authority unjustly gotten, or wrung by force, from the true and lawful possessor*; and therefore not a new legal Authority gained by death or cession, or a long prescription. What is God's Authority, which we must obey? It is no other, than *the Authority unjustly gotten, or wrung by force, &c.* which can receive no impeachment by the wickedness of those, who have it. By what wickedness? their wicked and ungodly and violent means of getting and having it: for the *Convocation* speaks of no other wicked-

wickedness, but the wickedness of Usurpation : so that we must obey the Authority, because it is Gods, even when men have it wickedly, and therefore before they have acquired any new legal Title to it.

And this I think plainly proves, that the settlement, the Convocation speaks of, is not a legal settlement, for that would make the Authority legal, whereas these Alterations may be *thoroughly settled*, whilst the Authority exercised in such new Governments is unjustly and wickedly got and possessed. This, I think, if our Author be not very unreasonable, is enough to justify my first Assertion, *That the Convocation speaks of illegal and usurped Powers, and yet affirms the Authority exercised by them is God's Authority, and therefore those Princes, who have no legal Right, may have God's Authority.*

I proceeded to prove the same thing from other testimonies out of the Convocation Book. For they teach, *that the Lord (in Case of Advancing Kings to their Thrones) is not bound by those Laws* ^{leg. p. 6.} *which he prescribeth others to observe, and therefore commanded Jehu a Subject to be anointed King over Israel to punish the sins of Ahab and Jezebel, (p. 46.) And the Lord both may and is able to overthrow any Kings or Emperors, notwithstanding any claim, Right, Title, or Interest, which they can challenge to their Countreys, Kingdoms, or Empires.* These Passages our Author has thought fit to take no notice of ; for if they do not prove God's Sovereign Authority, to remove and pull down the most rightful Kings, and give his Authority to those, who have no right, and place them in the Thrones of those, who have the right, there is no sense to be made of them.

Our Author's hypothesis is as direct a contradiction to this, as words can make it : for if no Prince can have God's Authority, nor must be obeyed, unless he have a legal Right, either an old Hereditary Right, or a new Acquired Right, by the death or cession of the Royal Family, or by a long prescription ; then God is bound to those Laws in advancing Kings, which he prescribes to others ; that is, to adhere to Humane Rights : then God may not overthrow any Kings or Emperors, who challenge their Countreys, Kingdoms, or Empires, by any just Claim, Right, Title, or Interest. Then he cannot set up any Kings, or Emperors, who have no just right and claim. For he cannot unmake a rightful King, if he cannot absolve Subjects from their Allegiance ; nor make a King without a legal Right, if he cannot give him his Authority,

city, and transfer the Allegiance of Subjects to him. God can remove the Man by death, but cannot unmake the King, unless he unmake himself by resigning his Crown; He can set a Man upon the Throne, but cannot make a King of him, without the leave of the Right Heir, under an hundred years prescription: Where-ever our *Author* learnt this Doctrine, I am sure, this *Convocation* never taught it him.

To confirm this, I observed, that the *Convocation* teaches, that Obedience was due to such Kings, as never could have any legal Right to the Government of *Israel*; as the Kings of the *Moabites* and *Aramites*, of *Egypt* and *Babylon*, and yet says, that the *Israelites* knew, that it was not lawful for them of themselves, and by their own Authority, to take Arms against the Kings, whose Subjects they were, though indeed they were Tyrants. And that it had not been lawful for *Ahud* to have killed King *Eglon*, had he not first been made by God, the Judge, Prince, and Ruler of the People.

On the other hand our *Author* affirms, that all these Kings had a legal Right; and were legal Powers; and that it appears in all and every one of the Instances the *Convocation* gives of Government, to which they say obedience is due, that these Governments had such a Right. This is a bold Undertaker, unless he only play with equivocal words; and that I believe is the truth of the matter; for such legal Rights, as he has found for these Princes, will quickly transubstantiate all usurped Powers into legal Governments.

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But our first Inquiry is, What the *Convocation* thought of these Kings; as for instance, the Kings of the *Aramites* and *Moabites*, who ruled over and oppressed *Israel*; whether they thought them the legal and rightful Kings of *Israel*; they call indeed the *Israelites*, their Subjects, as our *Author* observes; and from thence proves, that these Kings had a legal power over *Israel*; but the mischief is, that the *Convocation* in express words owns them to be only Kings *de facto*, to whom they were in subjection, and teaches, that if any man shall affirm, that any person, born a Subject, and affirming by all the Arguments, which Wit or Learning could devise, that God had called him to murder the King *de facto*, under whom he lived; yea, though he should first have procured himself to be proclaimed and anointed King, as *Adonijah* did, and should afterwards have laid violent hands upon his Master, ought therefore to be believed of any that feared God, he doth greatly err. Which is spoke with reference to *Ahud's* killing

ling King Eglon, who it seems, was but a King *de Facto*, in the judgment of the *Convocation*; and, I suppose, our *Author* knows what a King *de Facto* signifies, in opposition to a King *de Jure*, one who is King without a legal Right: and yet the *Convocation* asserts that such Kings *de Facto* must not be murdered by their Subjects; which is an express Determination against our *Author*.

Let us now see what legal Right and Title our *Author* has found, for the Kings of the *Aramites*, and *Moabites*, and *Babylonians* over *Israel*; and for all the four *Monarchies*, which were successively Erected with the most manifest Violence and Usur-^{Postscript,} pation: And that is, the Submission both of Prince and People, p. 2. which he says, I grant, gives a legal Right; whereas I only said, That the Submission of the Prince might be thought necessary to transfer a legal Right; which I think differs a little from granting it does so.

The truth is, our *Author* is here blunder'd for want of clear and distinct Notions of what he writes, and imposes upon himself and others with ambiguous Terms; which if they were truly stated, would clear all these Difficulties.

Legal Powers signifie such Powers as are according to Law; but then there are different kinds of Laws, and when we speak of *legal Powers*, unless we agree by what Law we call them *Legal*, we shall never understand one another.

Now we may understand *Legal*, either with respect to the Laws of Nature, the Laws of Nations, or the Laws and Constitutions of a particular Nation or Kingdom; and in this last sense *Legal* is understood by all Men, who understand themselves, in this Controversie of *legal Powers*; that those only are *legal Powers*, who have the rightful Authority of Government according to the Laws and Constitutions of the Kingdom which they govern: This is the reason of the Distinction between a King *de Jure* and *de Facto*, which relates to the particular Laws and Constitutions of the Kingdom; a King *de Jure* is a rightful King by the Laws of the Land; a King *de Facto*, whatever other Right he may have, is not rightfully and lawfully possessed of the Crown, by the Laws of Succession proper to that Kingdom. And if our *Author* will take the Controversie off of this Bottom, and dispute only about legal Powers in general, we will then admit his Plea of Submission, and joyn issue with him upon that Point.

And this is all the Mystery I intended, when I affirmed, that the *Moabites* and *Aramites*, *Egyptians* and *Babylonians*, could not have a *legal and natural* Right to Govern *Israel*; that is, that by the Constitutions of the *Jewish* Commonwealth, they could not give the Power of the Government to a Stranger, nor set up a Prince over them, who was not of their Brethren; and therefore no Strangers, neither *Aramites* nor *Moabites*, could be their legal Kings. As for their Submission, when under Force, it shall be considered presently.

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This made me smile to see how he was concerned to ward off a Blow, which was never intended him; for since the *Israelites* did submit to the *Aramites* and *Moabites*, &c. and according to our *Autor*, Submission gives a legal Right, he could not imagine why I said, that those Nations never could have a legal Right to the Government of *Israel*, unless it were, because God was at that time their Sovereign, and He did not submit; and the Submission of the Sovereign, as well as of the People, is necessary to give a legal Right: And now he had started an Objection, which he knew not what to do with; and his Answer is as extravagant as the Objection; for he has found out something, which he thinks equivalent to God's Submission to the *Aramites* and *Moabites*, and that is, that God delivered them into their hands: What then? did God resign his Government of *Israel* into the hands of the *Aramites* and *Moabites*, and quit his Right and Claim to the Government of them? *Spēctatum admissi*—

But to proceed: I will grant this *Autor*, that *legal Powers* may be understood in a larger Notion, as that may be said to be *Legal*, which is agreeable to the Laws of Nature or Nations; and in this sense, Submission may make a *legal King* of him, who, according to the Laws of the Land, can be only a *King de Facto*. This is worth considering, and therefore I shall briefly explain it:

In a State of Nature, wherein we must suppose all Men free from any Government, but that of Parents, and Heads of Families, (which how far it extended before Civil Governments were formed, we cannot tell) they were at liberty to give up the Government of themselves to whom they pleased; and this made such Persons their legal and rightful Princes and Governors by the Law of Nature: For Men who are free, may give the Government of themselves to another, and if they may do this, their doing it is a Law to themselves.

Especially

Especially Nature teaches this, When Men are over-powered by Force, and must either submit to the Government, or suffer the Vengeance and Fury of an Usurping *Nimrod*; for Nature teaches us to preserve ourselves, and therefore justifies whatever may be lawfully done to preserve ourselves; and in a State of Nature Men may part with their Liberty, and submit to be governed by another; and such a Submission, with respect to themselves, gives a Right; for it is a voluntary Consent, tho' extorted by Force, as all *Moralists* allow such a mixt Choice and Election to be.

But it will be said, This is nothing to us, who are at such a distance from the first Original of Government: this can be done but once; for when we have given up ourselves to the Government of another, we have given away our Liberty to chuse for ourselves.

Right! unless we fall into a State of Nature and Liberty again, or something like it; which may be done many ways, but I shall name but one, and that is in case of a new prevailing Force; that is, with respect to a Kingdom, when Prince and People are conquered, for then the Government is at an end, and they are as much at liberty to submit to a Conquering Prince, as they were in the State of Nature; for every Dissolution of Government must so far restore us to the State and Liberties of Nature, as to provide for ourselves; or if the Prince be conquered, and driven out of his Kingdom, and the People in the Power of the Conqueror, they are as perfectly at liberty to submit to the new Conqueror, as they were before to submit to their old Prince, or his Ancestors; with respect to private Subjects, when their Prince or the Government of the Nation is violently Changed, and they are as much under the Force and Power of the new Prince, or new Government, as they could be under a conquering Prince, who had Conquered both King and People: for Force will justify Submission, and then it is much the same thing from what quarter the Force comes: when a Man is under the power of a new Government, which he cannot resist, and which will not protect him, nay, which will undo and ruine him, if he will not submit, it is all one to him, with respect to his Submission, as if both his King and Country were absolutely conquered.

Though we live under a settled Government, yet if we happen to fall into the hands of Thieves and Robbers, where the Govern-

Government can't protect us, we may very innocently for our own preservation, promise and swear to them such things, as are against the Laws of the Land, and which it would be unlawful for us to do in other circumstances; and then I think with greater reason, if the Government cannot protect itself, nor its Subjects, from a greater Force, Subjects are at liberty to shift for themselves, and to submit to the greater Power; for our Obligations to human Government are reasonably supposed to except the case of a greater force, since such Obligations can last no longer than the Government lasts. Conquest is the death and dissolution of the Government, and dissolves the Contract, as the death of either Party does the Marriage-Vow. This is not as some vainly talk to justify the breach of Oaths and Promises to save ourselves, and to make Self-preservation the only Supreme Rule of Good and Evil; but the dissolution of the Government, or of the Power of the Prince to protect himself or his Subjects in his Government, puts an end to the Obligation of Oaths: for in matters of Government, it is an unalterable Right of Nature to submit to Force.

All Men will grant, that no human Laws and Constitutions are so sacred as the positive Laws of God; I mean that Government and Polity which God himself prescribed to the Children of *Israel*; which they were religiously bound to observe by virtue of their Covenant with God; which certainly was as sacred as any Oath. Now these Laws did not admit of the Authority and Government of Strangers, but expressly forbid it; that had they chose to be governed by any Foreign Prince, they had greatly sinned in it; but this very Law, as sacred as it was, gave way to necessity, and when they were conquered by the *Aramites*, or *Moabites*, or any other Nation, it was no fault to submit to them. And if Force would justify this in the *Israelites*, who had God for their King, and were obliged by their Covenant with him to accept of no Foreign Prince to govern them; it is hard if it will not justify the Subjects of Human Governments, (most of which were at first founded in meer Force) whatever their Oaths or Obligations be, to submit to a new and greater Force.

And this gives a sufficient Answer to what our *Author* adds in the place last quoted: That God's being the King of *Israel*, would be an argument against their submission; for the Doctor tells us, That where God entails the Crown, (he refers to what I say about *Josiah*)

ash and Athaliah, of which more anon) the people were not to submit to an Usurper, if the right Heir was alive; and therefore much more where God himself was their King, (as if God were not the King of Israel, when he set Kings over them) and then surely they might lawfully resist these Kings, whose Subjects they were not, nor could be, and they needed no especial Commission or Direction to destroy the Usurpers, as Ahud did Eglon; but they might, nay they were bound to do it, as Jehoiada slew Athaliah. For I hope God's Entail is not of greater force than his own immediate Government. So that either their submission transferred a legal Right, or else their submission was a sin.

This looks like something very deep, but it is so very a nothing, that I cannot devise what he would be at: Would he prove, that God was not the King of Israel, against the Scriptures, who say he was? Or would he prove, that the Israelites ought not to have submitted to the Moabites, but have had all their Throats cut by a vain opposition? Or would he prove against the Convocation, that they were not the Subjects of King Eglon, but any Israelite might have killed him without any such Commission from God, as Ahud had? Whatever he intends to prove, if he knows that himself; yet as far as I am concerned, it is no more but this: That while the Israelites were under no Foreign Force, but had liberty to live by their own Laws, they were bound to make him their Prince, on whom God had entailed the Crown; while they were under Force, they might do as they could, and submit to the Conqueror, which submission could not give those Usurpers a Legal Right, according to the Laws and Constitutions of the Jewish Commonwealth, but according to the Laws of Nature, which allow submission unto a Conquerour, it did.

Now if the Laws of Nature, when we are under the Protection of no Government, allow us to submit to Force and Power; then call it Conquest, or what you will, when I am under no Protection, and under Force, I am at liberty to submit, whatever my former Obligations were; and I become as firmly and entirely bound to such a new Power, as ever I was to the most Legal Prince.

Thus far the Laws of Nature go towards making a Legal King, and this is confirmed by the Laws of Nations, which are nothing else but received Customs and Usages, agreeable to the Laws of Nature, and right Reason: Now though different Nations have different Laws of Succession to the Crown, yet they seem

seem all to agree in this, That he is the King, who is in possession of the Throne, with the consent and submission of the People. The consent and submission of the People, turn that, which was originally no more but Force, into a Civil and Legal Authority, by giving themselves up to the Government of the Prince.

By this means Kingdoms and Empires are transferred, and Princes gain a Right to those Thrones, to which they had no antecedent Right. When God intends to pull down one King, and set up another, he gives success to the rising Prince, puts the Nation into his hands, and so orders it, that by Force and Power, or other Arts, he obtains their consent and submission, and then he is their King, and is invested with God's Authority; especially when he is visibly settled in the Throne by the united strength and power of the Kingdom.

Upon these terms, I suppose, our *Author* and I may very well agree; that the *Convocation* does allow such Governments, as were begun by wicked means, when they are *thoroughly settled* to become legal and rightful Powers, not by the Laws of the Land, but by the consent and submission of the People, and the Authority of God, wherewith they are invested: This I owned before, that the distinction between Kings *de Jure*, and *de Facto*, related only to the Laws of the Land, for upon other accounts, those Kings who are set up by God, and have his Authority, are rightful Kings; that is, so rightful, that our Obedience is due to them.

But this is all shuffling and playing with words; for the single Question is, Whether the *Convocation* by, *thoroughly settled*, means, that such Governments as are begun by Usurpation or Rebellion, or other wicked means, cannot be *thoroughly settled*, till they acquire a legal Right by the Laws of the Land; which he says must be by the death or cession of the rightful King, or by a long Prescription: now this I say, the *Convocation* could not mean, as appears by the Instances they give of such Powers. For the *Aramites* and *Moabites* could never, by the Constitution of the *Jewish Commonwealth*, be the legal and rightful Kings of *Israel*: and a Common-wealth where there is a perpetual Succession of Persons in whom the ordinary Power resides, can never die, nor lose their claim to that Power, which is given them by God, though they might submit when under Force; so that here was neither *Death* nor *Cession*, and they were far from having
such

such a *Prescription*, as our *Author* makes necessary to give such Powers a Legal Right, and this answers all his other instances, where he argues only from the term *lawful*.

Now if submission in such Cases will give a Right to our Obedience in contradiction to the Laws of the Land ; that which justified the submission of *Israel*, will justify the submission of any other People to a prevailing Power, and will give such Powers as good a Right, as the *Aramites* and *Moabites* could challenge to *Israel*.

All that can be said here, I think, is this : That by submission, which gives a legal Right, our *Author* means the submission and acknowledgment of those in whom the Right is : That is to say, the submission of the People does not give a legal Right, but the submission of the King does. Answ. p. 5.

1. But for answer to this, in the first place I desire to know, what submission of the King it is, that gives a legal Right ? Is swearing Allegiance a submission and acknowledgment ? What became then of the Right of the House of *York*, when the *Duke of York* swore Allegiance to *Henry IV.* ? is yielding to Force and Power, quitting the Administration of the Government, and leaving the Throne, tho' with an intention to recover it again, when he can, a submission ? If it be, does not a King so far submit, when he leaves his Country, without any legal Authority of Government, and leaves his People in the hands of a prevailing Prince ? Is not this as much a submission, as if he had stayed at home, and laid aside his Crown, and submitted to a private Life, without renouncing his Right and future Claim ; but if nothing be a submission, but renouncing his Right, and making a formal Resignation and Conveyance of Power, I desire to know, how our *Author* will prove, that the *Israelites* thus submitted to the *Aramites* and *Moabites* ? Or what other submission they made, but a bare yielding to Force and Power ? What other submission did the King, and Princes, and People of *Judab* make to the King of *Babylon*, when they were carried away Captives to *Babylon* ? And yet their submission our *Author* confesses gave a legal Right.

2dly, Can the submission of the King give a legal Right to the Crown, without the submission of the People ? If not, it seems the People may have some right, if not to Government, yet to give away the Government of themselves. If the consent and submission of a People can make a King, when they have none, why can it not do so, when they are under a new Force and Power, which is the same state, as if they had no King ? for Power has an immediate effect, and will admit of no delays.

D 3dly,

3^{ly}, Cannot every private Man, or any City or Garrison, when they are overpowered, and cannot be relieved by their Prince, submit for themselves to the Conqueror, without the submission of their Kings? and do they not by such a submission, according to the Laws of Nations, become the Subjects of the Conqueror, till they are retaken? And why cannot a whole Nation in the same circumstances do the same thing, though the King has escaped, and does not, and will not submit to the Conqueror?

4^{ly}, For has a Nation no Right, when the King is gone, to preserve themselves by making the best terms they can with the new Powers? Must they ask leave of their Prince, whether they shall continue a Nation, when he is gone? Whether they shall submit to a new Prince, when he can protect them no longer? All Mankind have this natural Right to submit for their own preservation, and need ask no Princes leave to do it.

I urge all this only to shew, that there are such Cases, wherein Subjects may submit without the submission of their Prince, and when they do so, it gives that Prince a Right to govern them; for they have made themselves his Subjects, and if the Case is such, wherein they might lawfully do it, they confer a lawful Right, though they cannot extinguish their former King's Claim by it, who has not submitted.

5^{ly}, For what will our Author say to the submission of *Jaddus* and the *Jews* to *Alexander*, while *Darius* was living, whose Subjects they were, and who had not submitted? and yet they assert, that by this means *Alexander* gained a lawful Authority over them, and that they owed all the Duty and Obedience to *Alexander*, which they formerly had done to the Kings of *Babylon* and *Persia*, (*Can.* 31. pag. 67.) and then according to this Convocation the submission of Subjects, without the submission of the King, gives a lawful Authority.

Answer, p. 3, 4, 5, 6, &c. Our Author is much troubled about this Story of *Jaddus* and *Alexander*, and spends several Pages to confute *Josephus*, who is the only Relator of it. I will not engage in this Quarrel, the Vindication of *Josephus* as to this Story, being undertaken by a more learned Pen, as I suppose our Author will know, before he will see this. But this I must say, that if they part with this Story, they lose so glorious a Testimony (as they used to account it) to the indispensable obligation of an Oath of Allegiance, while the King to whom we have sworn Allegiance lives, whether he be in possession or out of it, that they will not find the like again in any Records

Records of Time: but it seems they are sensible *Jaddus* confuted their sense of it himself, by submitting to *Alexander*, notwithstanding his Oath of Allegiance, while *Darius* was living, and now they are willing to part with it.

Well, but as he himself observes; the Dispute is not, whether the Story be true or false, but whether the *Convocation* believed it: for if they believed the Story true, by their Judgment on the case, we may know what their sense was about this matter. *Ibid.* p. 11.

This he grants, but says likewise, *That their sense is not to be extended beyond their words; and this I grant: nor are they to be made parties to any more of the story, than they have inserted in their Book.* But this I deny; for if they believed any of the Story upon *Josephus's* Authority, by the same reason they must believe all; and if they pass their Judgment on a matter of fact, such wise Men ought to be presumed to judge upon the whole matter of fact; especially when different circumstances will alter the nature of the Action.

According to our *Author's* Opinion, it makes a great difference in *Jaddus's* submission to *Alexander*, whether *Darius* were living or dead: And can we think such wise Men as made up that *Convocation*, should not consider this? though, as he says, they take no notice of it: And if they did consider it, and took their Story from *Josephus*, (and it seems by him, they could have it from no other *Author*) it is plain, they must believe *Darius* to be living, when *Jaddus*, who was his Subject, and had sworn Allegiance to him, notwithstanding this submitted to *Alexander*: which shews what their Opinion was, That Subjects, who had sworn Allegiance to their Prince, might yet, when under Force, as *Jaddus* was, become the Subjects of another prevailing Prince.

What he mentions concerning *Jaddus's* Answer to *Alexander*, I answered before in *The Case of Allegiance*, p. 8. and he has not thought fit to make any Reply to it.

But he adds, *Granting the Story true, it is not to the purpose, it is urged* *Ibid.* p. 12.
for: that is, it will not justify a Subject under an Oath of Allegiance to submit to another Prince, while his own King is living; and his reason for it is this: *Josephus* tells us, *That God appeared to Jaddus in a Dream, and warned him to submit to Alexander, and to meet him in that solemn manner he did: so that this is a singular and exempt Case, and falls within the circumstances of Jehu and Ahud.* — *It was always the Custom in the Jewish Church, in Cases of great extremity and emergency, to have recourse to God for some express Revelation, what they should do.* And here *Josephus* tells us, were all the Preparations to it: they fasted and prayed,

A VINDICATION of the

and the next Night God appeared to Jaddus, (however, as we have the Story from Josephus, so we must take all from him, and he tells expressly that God appeared to him) and ordered him so to do, and God's appearing and Command stands upon the same Authority with all the rest of the Story. And then it is wholly besides the purpose it is alledged for: For there is a wide difference between acting by common and standing Rules, and by express Revelation. And if these Gentlemen will shew us any express Revelation for what they do, as Jaddus had, then they say something; but till they can shew that, this Example of Jaddus, if it were true, will do them no service.

We are now disputing about the sense of the Convocation, and therefore must remember, that the Convocation does not assign this reason, why Jaddus, after his Oath to Darius, submitted to Alexander; for they make no doubt at all about the lawfulness of his submission, and therefore never inquire into the reason of it, which they thought visible enough in the force he was under. But I will take no advantage of this, if he will but remember it, when we come to the Case of Jeboiada and Athaliah.

Joseph. l. II.
cap. 8.

But the Answer to all this is plain: For as Josephus tells the Story, Jaddus never questioned, whether it were lawful for him to submit to Alexander, when he was coming with a great Force to Jerusalem; but his care was, how he might atone for his former contumacy, by an early submission; and the Prayers and Sacrifices he commanded the People to offer, were not to beg God's direction, whether he should submit to Alexander or not, for that he was determined to do, but that God would be favourable to his People, and deliver them from the imminent danger they were in, from a provoked Conquerour; and when God is said to appear to him in his Dream, he answered no question about the lawfulness of submitting to Alexander, but directed him, how to do it in such a manner, as should prevent the threatened danger: that he should appear in his Pontifical Attire, in which, it seems, God himself had formerly appeared to Alexander, and promised him success over the Persians, by which Alexander knew, that he was the Priest of that God, to whom he owed his Victories, and this made him worship the High Priest, and shew all kindness to the Jewish Nation. So that Jaddus had no Revelation of the lawfulness of submitting to Alexander, nor have we need of any; but we have the Judgment of the Convocation upon this, which they intended as a common and standing Rule.

But the great instance our Author depends on, and doubts not to carry the Cause by it, is the Case of Joash and Athaliah. The Story as it is related by the Convocation is this:

' After

' After the death of *Abaziah* King of *Judah*, his Mother *Athaliah* Convocat. ch. 23. p. 41.
 ' finding his Children all to be very young, kill'd them all but the young-
 ' est, and reigned by Usurpation six Years over the Land. The said
 ' youngest Child (whose name was *Joash*) was secretly conveyed away
 ' by his Aunt *Jehosabeb*, his Father's Sister, and Wife to *Jehoiada* the
 ' High-Priest; who kept him so secretly in the Temple, as that *Atha-*
 ' *liab* the Usurper could never hear of him. Now after the said six
 ' Years that *Joash*, the true and natural Heir apparent to the Crown,
 ' had been so brought up, he the said *Jehoiada*, being the King's Uncle,
 ' and the chief Head or Prince of his Tribe, sent through *Judah* for
 ' the *Levites* and chief Fathers both of *Judah* and *Benjamin*, to come
 ' unto him to *Jerusalem*; who accordingly repairing thither, and be-
 ' ing made acquainted by him with the Preservation of their Prince,
 ' (as is aforesaid) and that it was the Lord's will that he should reign over
 ' them; they altogether, by a Covenant, acknowledged their Allegi-
 ' ance unto him, as unto their lawful King; and so disposed of things,
 ' as presently after he was Crowned and Anointed; which dutiful
 ' Office of Subjects being performed, they apprehended the Usurper *A-*
 ' *thaliah* and slew her, as before it was by the said States resolved. In
 ' all the Process of which Action nothing was done, either by *Jehoi-*
 ' *ada* the High-Priest, or by the rest of the Princes or People of *Ju-*
 ' *dah* and *Benjamin*, which God himself did not require at their hands.
 ' *Joash* their late King's Son being then their only natural Lord and
 ' Sovereign, although *Athaliah* kept him six Years from the Possession
 ' of his Kingdom.

This is the Story, and their Canon upon it is this: If any Man there-
 fore shall affirm, either that *Athaliah* did well, in murdering her Son's Chil-
 dren, or that *Jehoiada* and his Wife did amiss in preserving the life of their
 King *Joash*; or that *Athaliah* was not a Tyrannical Usurper, (the right Heir
 of that Kingdom being alive) or that it was neither lawful for *Jehoiada*, and
 the rest of the Princes and Levites and People to have yielded their Subjec-
 tion to their lawful King; nor having so done, and their King being in Pos-
 session of his Crown, to have joyned together for the overthrowing of *Athaliah*
 the Usurper; or that *Jehoiada* the High-Priest, was not bound as he was a
 Priest, both to inform the Princes and People of the Lord's Promise, that *Jo-*
ash should Reign over them, and likewise Anoint him, or that this Fact either
 of the Princes, Priests, or People was to be held for a lawful Warrant, for any
 afterward, either Princes, Priests or People to have deposed any of the Kings
 of *Judah*, who by right of Succession came to their Crowns, or to have killed
 them for any respect whatsoever, and to have set another in their places, ac-
 cording to their own Choice; or that either this Example of *Jehoiada*, or a-

ny thing else in the Old Testament did give them to the High-Priest any Authority to Dispute, Determine, or Judge, whether the Children of the Kings of Judah should either be kept from the Crown, because their Fathers were Idolators, or being in Possession of it, should be deposed from it in that respect, or in any other respect whatsoever, he doth greatly err. I have transcribed this, because we must have a little dispute about it, and it was fitting the Reader should have both the Story and the Canon before him.

Answer, p.
17.

Our Author's Argument from this Story is this: *It is plain the Convocation does not conceive, that the Enjoyment of the Crown with all its Dignities, &c. is that thorough Settlement, to which is due Subjection and Obedience as to God's Authority. Athaliah personally enjoyed the Crown with all its Dignities, &c. and all Places of Trust and Power, &c. were in her hands, and at her disposal, and this also for no less a time than six Years, and in as full and ample a manner, as any Usurper, or any rightful King ever enjoyed them: but for all that the Convocation is so far from urging Obedience to her, as to God's Authority, that they expressly justify the resisting, nay, the slaying her. And this is a clear Demonstration, that by a thorough Settlement the Convocation does not mean a full Possession of Power merely: for they say, when a Government is fully settled, it ought to be obeyed, as God's Authority, not only for Fear, but for Conscience sake: But they say also, that when Athaliah was fully possessed of the Throne, she ought not to be obeyed, but to be resisted and slain. And the Conclusion from these Premises is, That to be fully possessed of the Throne, is not of it self to be so thoroughly settled as to make it God's Authority, and Obedience to become a Duty.*

Convocat.
p. 69.

Now it were sufficient here to observe, that he has not given the true Notion of a full and settled Possession; for he has left out the principal part of it, as I state it, *viz. When the Estates of the Realm, and the Great Body of the Nation has submitted to such a Prince: Which in the Case of Antiochus is one thing, the Convocation expressly makes necessary to a thorough Settlement, The Government of that Tyrant (Antiochus) being not then either generally received by Submission, nor settled by Continuance: though I cannot blame him for this, because the Author, whom he answers, took no notice of it; but I must blame him for affirming, that the Convocation say, That when Athaliah was fully possessed of the Throne, she ought not to be obeyed, but to be resisted and slain: for they say no such thing, and though he may imagine this to be the Consequence of what they say, he ought not therefore to affirm, that they said it, because he may mistake in his Consequence, and that he has done so, shall presently appear:*

The Convocation says not one word of the thorough Settlement of Athaliah in the Throne; but if we may learn the Sense of the Convocation

cation (as this *Author* concludes we may) from what Bishop *Buckridge*, *Answer*, p. a Member of that *Convocation*, has written in his Defence of *Barclay*, 27. they did not think her settled in the Throne: for when *Bellarmin* had objected the quiet Possession of *Athaliah* for six Years, the *Bishop*, as this *Author* cites him, answers, *How quiet soever it was, it was violent, for she was guarded with Souldiers*; and affirms, that *Athaliah* had not acquired a Right to the Crown, (I suppose he means only such a Right as a thorough Settlement gives) neither by the Consent of the People, nor by the Prescription of six Years: Six Years were not long enough for a Prescription, which he says must be a hundred Years; and the Consent of the People, it seems, she had not, and therefore being a meer Usurper, and no Queen, she might be Deposed. And thus his whole Argument is lost. And here I must observe, that the *Bishop* allows, as the *Convocation* does, that either the Consent of the People, or a long Prescription gives a Right; that is, such a Right as makes Obedience due to Princes thus settled without a legal Title: and therefore our *Author* greatly prevaricates, when he pretends to give the *Bishop's* sence of a thorough Settlement; that is, when a Right to the Government is acquired by a Prescription, and that is a long and uninterrupted Possession, joyned with the Consent of the People. The *Bishop* distinguishes between the Consent of the People, and a long Prescription, and says that either of them will give a Right: And our *Author*, though he pretends to give the *Bishop's* sence, makes both of them together necessary to give a Right, a long and uninterrupted Possession, which is what the *Bishop* calls Prescription, joyned with the Consent of the People; so that he leaves out neither and nor as insignificant Particles, and likes with better, as more agreeable to his Design: and at this rate he may make *Convocations* and *Bishops* speak his sence, when he pleases.

But to gratifie our *Author*, let us suppose the *Convocation* did own *Athaliah* to have been as thoroughly settled on the Throne, as any Usurper can be, while the right Heir is living; and then the Consequence is, That the *Convocation* teaches that Kings and Queens *de Facto*, who have all the Settlement that can be had without Right, may be Deposed and Murthered by their Subjects: And will this *Author* say, that this is the Doctrine of the *Convocation*? Do they not expressly warn us against believing any Person who shall affirm by all the Arguments which Wit or Learning could devise, that God had called him to Murther the King *de Facto*, under whom he lived?

It seems then the *Convocation* made a great difference between the Case of *Athaliah*, and other Kings *de Facto*, who had no better Title, nor more thorough Settlement than she had, (if they thought her

Convocat.
Car. 27 26
p. 55.

Case of Al-
legiance, p.
34, 35.

her settled in the Throne, without which Supposition our *Author's* Argument is lost) for they justify the killing *Athaliah*, and condemn the murder of a King *de Facto*; and this I gave two accounts of in my *Case of Allegiance*.

1. All that this Story amounts to is no more than this: 'That when the legal and rightful Heir is actually possessed of his Throne, Subjects may return to their Allegiance, and by the Authority of their King prosecute the Usurper; for *Jeash* was first Anointed and Proclaimed, before any one stirred a finger against *Athaliah*; now this is a very different Case from raising a Rebellion against a Prince, who is in possession of the Throne, to restore an Ejected Prince.

1 Chr. 23.
5.

2. 'But this was a peculiar Case; for God himself had Entailed the Kingdom of *Judah* on the Posterity of *David*; and therefore nothing could justify their Submission to an Usurper, when the King's Son was found, to whom the Kingdom did belong by a Divine Entail: and by this *Jeboiada* justifies what he did, *Behold the King's son shall reign, as the Lord hath said of the sons of David*. Now when God has Entailed the Crown by an express Declaration of his Will, and Nomination of the Person or Family that shall Reign, (as it was in the Kingdom of *Judah*) Subjects are bound to adhere to their Prince of God's chusing, when he is known, and to persecute all Usurpers to the utmost, and never submit to their Government: But in other Kingdoms, where God makes Kings and Entails the Crown, not by express Nomination, but by his Providence, the placing a Prince in the Throne, and settling him there in the full Administration of the Government, is a reason to submit to him, as to God's Ordinance.

This our *Author* answers with great Triumph in his Postscript, (p. 4, 5.) but with how much Reason, I shall now examine; and I must begin with his Answer to the second:

This Distinction, (That God himself had Entailed the Kingdom of *Judah* upon *David's* Posterity) he says, *is not in the Convocation Book, and so does not affect their Sense*: I grant it, and therefore did not concern the *Convocation-Book* in the Story, nor make any mention of it; but only raised this Objection from the Story, and gave that Answer to it, by which *Jeboiada* the High-Priest justified what he did: For tho' the *Convocation* takes notice of this Story, yet they neither make nor answer this Objection in direct Terms: They had another Design in mentioning it, and fitted their Answers wholly to that, *viz.* to

Convocat.
ch. 23. P.
41.

prove against the *Papists*, That no Priests in the Old Testament did ever Depose from their Crowns any of their Kings, how wicked soever, or had a-

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my Authority so to do. And because this Example of *Jehoiada* used to be urged by them to this purpose, they shew that no such thing can be proved from it.

But tho' the Convocation does not answer a Question which they never proposed, yet this is a good Answer to it, and agreeable to the Sense of the Convocation in that place: for they take notice, that *Jehoiada*, when he had sent to the Levites, and chief Fathers both of Judah and Benjamin, acquainted them with the Preservation of their Prince, and that it was the Lord's will, that he should Reign over them; which plainly refers to that Divine Entail of the Crown upon *David's* Posterity; as *Jehoiada* expressly told them, *Behold the King's son shall reign, as the Lord hath said of the sons of David*. So that it is evident, the Convocation itself answers the Difficulties of this Story by the Divine Entail; and it is as true and proper an Answer to that Question, Whether we may Murmur a King *de Facto*, to place the right Heir on his Throne, since *Jehoiada* anointed *Joash* and slew *Athaliah*? To say, That the Divine Entail of the Crown made a vast difference between the Case of *Athaliah* and other Kings *de Facto*, who are settled in their Thrones; as it is to that Question, Whether the High-Priest have not Authority to Depose one King, and set up another, since *Jehoiada* actually did so, anointed *Joash* and killed *Athaliah*? To say, that this was done not by any ordinary Jurisdiction, which the High-Priest had over Kings, but in Obedience to God, who had Entailed the Crown on *David's* Posterity.

He proceeds, *They do not speak of this, when they call Athaliah an Usurper, and justify the Proceedings of Jehoiada and the People against her; but the reason they give is general, The right Heir of the Kingdom being alive, which extends to all Kingdoms, that are Entailed, and go by Succession.*

This Author, who would confine me so strictly to the Sense of the Convocation, even where I don't appeal to it, makes very bold with the Convocation himself: For they do not offer to justify the Proceedings of *Jehoiada* and the People against *Athaliah*, by saying, *That the right Heir of the Kingdom was alive*; but only prove by this, that she was an Usurper who had no legal Right to the Throne, the right Heir being living: But if our Author will think again, I presume, he will own, that they are two very different Questions, Whether such a Prince be an Usurper; and whether he may be Deposed and Murdered? The Convocation I'm sure makes them two Questions, when they will not allow of the Murder of a King *de Facto*. But on the other hand, the Convocation justifies *Jehoiada* from the express Command of God: *In* p. 24, 25.
all the process of which Action nothing was done, either by *Jehoiada* the

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High-Priest, or by the rest of the Princes and People of Judah and Benjamin, which God himself did not require at their hands; Joash their late King's Son being then their only natural Lord and Sovereign, although Athaliah kept him for six Years from the Possession of his Kingdom. How did God himself require this at their hands? Was it only by the Principles of Reason and Natural Justice, in setting the right Heir upon the Throne? No; by its being God's Will, and God's requiring it at their hands, they plainly mean, GOD's entailing the Crown upon David's Posterity, which made it the Duty of Jehoiada, and the rest of the Princes, Levites and People, to yield their Subjection to their lawful King; and having done so, and their King being in possession of the Throne, to join together for the overthrowing of Athaliah the Usurper; and that Jehoiada, the High Priest, was bound as he was a Priest, to inform the Princes and People, of the Lord's purpose, (which can refer only to this Entail) that Jehoiada should Reign over them, and likewise to Anoint him. Which contains a particular Justification of all that was done; and all resolved into the Will and Purpose of God, that Joash should Reign; which was no otherwise declared, but by God's Entailing the Kingdom upon the Posterity of David.

It was the Duty of Jehoiada and the rest of the Princes, &c. to yield Subjection to their lawful King, who was Heir by Succession; for that they expressly make equivalent in the Kingdom of Judah to being Elected and Named by God himself, (Can. 17. p. 28.) And therefore Ch. 19. p. 30. affirm, That they should receive such Kings as sent to them by God himself; which proves, that this cannot extend to Heirs meerly by Humane Succession, which is not equivalent to God's Nomination. Jehoiada sent thro' Judah for the Levites, and chief Fathers both of Judah and Benjamin, to come to him to Jerusalem, (Ch. 23. p. 41.) and there he discovers the King's Son to them. Thus the Convocation says by the Constitution of that Government it ought to be, that the Prince, whom God had appointed, should be made known to the People, and they should chearfully submit to him. (Ch. 17. p. 27.) and they add, Afterwards also the like course was held upon the Death of every King, to make his Successor known to the People.

Jehoiada, who was High Priest, gave this notice to the People, and took a Covenant of them, and Anointed their King; and this also the Convocation says was his Duty: As we have said of the People, That when the Kings of Judah were to succeed one another, their Duty was to come together with Joy and Gladness, to receive them for their Kings, (as sent to them by God himself) and accordingly to submit themselves unto their Authority and Government: So at such times the Priests for the most part, besides their

their general Duties, as Subjects, had some further Service to be then by them performed; the parts of which Service are all of them manifest in the Advancement of King Solomon to the Royal Throne of his Father David; where the Priests, by King David's direction, did give Thanks to God, and prayed for King Solomon — and Zadock the High-Priest did himself Anoint him. I suppose our Author may by this time be satisfied, that the Convocation resolves all into the Authority of a Divine Entail, and makes a great difference between a Divine and Humane Entail.

He adds, ' And it is plain, they thought of no such Difference as to this Matter; but that a thorough Settlement of a Government (and though attained by the same ill means) was the same thing, and had God's Authority in Judah as well as any other Nation; as in the instances of the Babylonians, Macedonians, and Romans, whose Government over the Jews was not attained by honest Means than Athaliah's, and was as much contrary to the Entail upon David's House, as hers; and yet they justify and require Obedience to them, but justify the slaying her: And therefore it is plain, that by a thorough Settlement they do not mean a full Possession of Power in the Kingdom of Judah, as had the Babylonians, Macedonians, or Romans, nor do they reckon God's Entail upon David's Posterity any ground of difference in this Matter, for the Government of Judah by the Babylonians, was as much contrary to that Entail, as the Government of Athaliah.

Now all this is answered in one word, from what I have before discoursed: The Entail God made upon David's Posterity, did always oblige the Jews, when they were at their own Choice, and had Power enough to take the King, on whom God had entailed the Crown; which was evidently their Case when Jehoiada anointed Joash, and slew Athaliah; but when they were under Force, (as they were under the Babylonians, Macedonians, and Romans) no Entail, tho' made by God himself could bind them; and then I hope it will be granted, that no Humane Entails can bind any People, who are under Force, if a Divine Entail can't do it.

And thus our way is prepared to answer what he objects against the first Account I gave of this Case of Athaliah, viz. That all that this Story amounts to, is no more than this, That when the legal and rightful Heir is actually possessed of his Throne, Subjects may return to their Allegiance, and by the Authority of their King prosecute the Usurper.

Our Author answers, The Story amounts to a great deal more; and that is, That Subjects may set the rightful Heir upon the Throne, altho' it be in the actual possession of the Usurper; for so Jehoiada and the People did. It

Postscript,
p. 4.

is true, it does signifie something more with reference to *Joash*, but I had regard only to the Case of *Athaliah*; but yet it does not signifie so generally, as he puts it; but it signifies only this, That Subjects by the express Command and Authority of GOD (as the Convocation teaches) may place the rightful Prince upon his Throne, though it be possessed by an Usurper: And this will do our *Author* no service, for it will not reach to all Hereditary Kings, but to those only of God's Appointing and Nomination, or where God himself has made the Entail, as it was in the Kingdom of *Judah*.

I shewed this was the Case here, that the rightful Heir was actually possessed of the Throne; for *Joash* was first anointed and proclaimed, before any one stirred a finger against *Athaliah*. To this he answers, But is the Doctor sure, that *Joash* was actually possessed of the Throne? He was anointed indeed, but is anointing actual possession? And it will not be easie to prove it according to the Doctor's Notion of Possession, of having the whole Administration of Affairs, and all the Authority of the Kingdom in his hands.

I reply: The Convocation affirms, That King *Joash* was in possession of his Crown, before *Athaliah* was slain; and I believe, if our *Author* thinks of it again, he will confess, that Anointing gives actual Possession to a rightful King, tho' a thorough Settlement of his Government is necessary to the full Possession of an Usurper: and the reason of this difference is manifest; for where there is Right, nothing more is necessary to give Possession, but that Subjects actually own and recognize that Right, and accept him for their King; for his Right makes their Obedience a Duty, when he is in Possession, how weak and unsettled soever his Government be: But when a Prince has no legal Right to the Crown, nor consequently to the Obedience of his Subjects, it is only a thorough Settlement, which makes Obedience a necessary Duty.

And yet if that will satisfy our *Author*, the whole Administration of Affairs, and all the Authority of the Kingdom was then in *Joash's* hands, and *Athaliah* had none of it: for all the Princes, and Levites, and People, that is all who had the Administration of Affairs, and the Power of the Kingdom in their hands, yielded their Subjection to *Joash* as to their lawful King; and that put the whole Authority and Administration into his hands: and what Authority *Athaliah* had left, appeared in her Tragical End.

He proceeds: But however, who Anointed? and who Proclaimed him? and who put him in Possession? Why truly no body else, but his own Subjects, and those very Men that had lived six Tears under the Usurper. And then I
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perceive, that Subjects may stand by the rightful Heir against an Usurper, though possessed of the Throne for some Years: But then where is that Fidelity, Allegiance, and Obedience, that the Doctor says, we are bound to pay to usurped Powers

Ans. Truly just where it was before, in the Convocation Book, and in the Scriptures, which requires our Subjection to the present Powers, and in the reason and necessity of things; but this was an exempt Case, upon account of a Divine Entail; and where God himself has made the Entail, no Usurpation can cut it off, nor absolve Subjects from their Duty to him, whom God himself has made their King; but it is not so with humane Entails, of which more presently.

Now I said, that for Subjects to return to their Allegiance, and by the Authority of their King to prosecute the Usurper, 'when the rightful Heir is actually possessed of his Throne, is a very different Case from raising rebellions against a Prince, who is in the possession of the Throne, to restore an ejected Prince. To this he answers: Was not Athaliah in possession of the Throne, when Jehoiada anointed Joash? I answer as I have before done: She was in the actual and visible possession of the Throne, but against a Divine Entail, and therefore her possession was a nullity, and when they knew the King's Son was living, to whom by the Law of God they were to submit, they were bound to look upon it as a nullity, and not to consider her as their Queen; but this is not the question; the question is, Whether Athaliah were possessed of the Throne after Joash was anointed, when Jehoiada gave Orders to kill her: and that I suppose our Author will not say, that she was in possession of the Throne, when the rightful Heir was actually possessed of it.

But, he says, the question is concerning Allegiance to an Usurper in the possession of the Throne, and as to that there is no difference: For these pay as little Allegiance to an Usurper, who anoint a King, and then depose him, as those who do it to restore an ejected one: and I would fain know, what difference there is (as to Allegiance to an Usurper) between anointing a new King, and upon his Authority dispossessing an Usurper, and doing the same thing upon the Authority of one already anointed.

Now I grant, there is no difference between anointing a King, and upon his Authority dispossessing an Usurper, and doing the same thing upon the Authority of one already anointed, in such Cases wherein it is the Duty of Subjects either to anoint a new King, or to restore an old anointed King, in opposition to the Usurper, who is settled in the Throne; but

but this is a Duty only, where the Usurpations, how thoroughly settled soever it be, is against God's Entail, which was the peculiar Case of *Joash*; and yet even in this Case the Convocation thought it very considerable, that the Princes, Levites, and People, yielded Subjection to their lawful King, and having so done, and their King being in possession of his Throne, joyned together for the overthrowing of *Athaliah* the Usurper; if the Convocation had not thought, that there was some difference between killing *Athaliah* before or after the Anointing of *Joash*, they would not have laid so much stress upon the time, when she was slain; that having so done, and their King being in possession of his Throne, they joyned together for the overthrowing of *Athaliah* the Usurper.

And I wonder our Author should perceive no difference between these two: for though it had been the same thing to *Athaliah*, whether she had been killed, before or after the Anointing of *Joash*, yet it greatly altered the nature of the fact; and that upon two accounts, both with respect to the Authority, whereby it was done, and to the Character of the Person, who suffered.

The Convocation will not allow a private Man to kill a King *de Facto*, and that was the Case of the Jews during *Athaliah*'s Reign, before *Joash*'s Title was recognized, and he anointed, and placed on the Throne; but when this was done, they had the visible and actual Authority of their King, to slay the Usurper, which is a parallel Case to that of *Abud* and King *Eglon*. Before *Abud* was made by God the Judge and Saviour of his People, they teach, that it was unlawful for him, or any one else, to have killed King *Eglon*; but the Case was altered, when God himself immediately had made him Judge, and had given him a full and absolute Authority, (independent upon any, but upon him that gave it) to undertake any thing, that by God's direction appertained to his place.

Thus whatever Authority *Athaliah* had before, when *Joash* was anointed, she sunk into the state of a Subject, and then to kill her, was not to kill a Queen *de Facto*, but a Subject who had been an Usurper, but now was a Subject again, and therefore no Fidelity, or Allegiance was due to her. This is the Case of *Jehu*, who was a Subject, but commanded by God to be anointed King over Israel; and accordingly *Elizeus* the Prophet caused *Jehu* to be anointed, and God's Message to be delivered unto him; who presently upon the knowledge of God's Will, and the submission of the Princes and Captains of Israel to him, as to their lawful King, did put in execution the said Message, by killing *Joram* (before that time his Sovereign, but then his Subject), &c. Now, I suppose, our Author

Convocat.
ch. 27. p.
52.

Ibid. ch. 25
p. 46.

thor will confess, that there is a difference between killing with Authority, and without; and between killing a Sovereign Prince, and killing a Subject by the Authority of the Prince; and this was the Case of *Athaliab*, when *Joash* was anointed.

The Convocation was very careful not to encourage Subjects to rise up against their Prince, though he were but a King *de Facto*; and therefore from these examples of *Abud* and *Jebu*, expressly observe, that God foreseeing in his heavenly Wisdom, and Divine Providence, what mischief private Men, under the colour of these Examples, might otherwise have pretended, or attempted against their Sovereigns (as being either discontented of themselves, or set into some fury by other malicious Persons) he did so order and dispose of all things, in the execution of these such his extraordinary Judgments; as that thereby it might plainly appear to any (that should not wilfully hood-wink himself) never to be lawful for any Person whatsoever, upon pretence of any Revelation, Inspiration, or Commandment from his Divine Majesty, either to touch the Person of his Sovereign, or to bear Arms against him; except God should first advance the said Person from his private Estate, and make him a King, or an absolute Prince, to succeed his late Master in his Kingdom or Principality.

If our Author will not, yet I hope, all impartial Readers will think this a sufficient Answer to the Case of *Joash* and *Athaliab*. But however he will not give it over thus; but undertakes to prove, that my Arguments will equally justify submission to *Athaliah* in the Kingdom of *Judah*, notwithstanding such Entail, as to any Usurper in any other Nation. Postscript, p. 5.

Well! and suppose he can prove it; what then? Did I ever deny that it was lawful to submit to *Athaliab*, while she was possessed of the Throne, and *Joash*, the true Heir, concealed? Does he find in Scripture, that the Jews are condemned for submitting all this while to *Athaliab*? If any one should have been condemned for it, *Jehoiada* the High-Priest was the Man, who knew that *Joash* was living; and yet for six Years together, while he thought fit to conceal this Secret, he submitted himself to *Athaliab*, and acted under her Authority, and neither blames himself, nor any of the Nation for doing so.

Surely *Jehoiada* had not the same Notions of Loyalty, which our Author has, for then he durst not have submitted to *Athaliab*, when he knew *Joash* was living, and was in his own keeping. For, (says our Author) while the Government is as unjust as the Rebellion and Encroachment, a Man cannot justly become a Party to the Government, no more than to the Rebellion, for they are both equally unjust; unless the stealing of a Purse

Purse is very unjust ; but the keeping it after it is stolen is very just. — He that partakes with Injustice (as he certainly does, that joyns with it) partakes with the guils too. And if the Power be unjust, then to abet, to defend, support and maintain that Power, must be unjust likewise. And I add, to do this for six Years is unjust likewise ; and yet this Jeboiada did, and is no where condemned for it.

So that our *Author* mistakes the question : It is not enough for him to prove, that my Arguments will justify submission to *Athaliah*, while she was in the possession of the Throne, and of the Power of the Kingdom ; for let the Entail be what it will, a Divine or Humane Entail, it is always lawful to submit to Power ; but the question is, whether my Arguments give as irresistible Authority to *Athaliah*, who usurped the Throne contrary to a Divine Entail, as they do to other Kings *de Facto*, who are *thoroughly settled* in their Thrones, contrary to meer legal Rights, and humane Entailes ; if they proved this, I should confess my Arguments were naught, as proving too much ; but if they only justify the present submission of the Jews to *Athaliah*, while *Joash* was concealed, and they thought all the King's Sons had been cut off, I see no hurt in this : The Scripture does not condemn them for it, and it is certain, they ought to be justified in it, and I desire to know, how our *Author* will justify them according to his Principles.

For we must observe, the *Convocation* does not meddle with that question, when it becomes lawful to submit to usurped Powers, but when it becomes our Duty : It is lawful to do it, when we are under a Power, which we can't resist, but when such Usurped and Illegal Powers are *thoroughly settled*, then it becomes *our Duty* to submit, and to pay all that Obedience, which Subjects owe even to the most rightful Powers.

Now we know, the general submission of the People is necessary to a thorough settlement of such new Governments, and therefore if such Governments may be settled without the sin of the Subjects, it must be lawful in some Cases, to submit, before the Government be settled ; for the Government cannot be settled without their submission : but when the Government is settled by such submission, then submission, which necessity justified before, becomes a Duty ; and those who would not submit at first, or might have refused to do so without sin, when the Government is settled by a general submission, are then bound in Conscience to submit themselves.

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The Question then between us is, or ought to be this, if he intends to oppose me ; Not whether the *Jews* might lawfully submit to *Athaliah*, while she was possessed of the Throne, for this I grant they might lawfully do; but whether they having so submitted, and she being thoroughly settled in her Throne (for that our *Author* will suppose) it were not as unlawful upon my Principles, for the *Jews* to set up *Joash*, and to kill *Athaliah*, as it is for any other People to Depose and Murther a King *de facto*, whose Government is thoroughly settled among them. And here he takes notice of two Arguments I make use of, *the Argument from Providence, and from the necessity of Government, for the preservation of human Societies*, which, he says, will equally serve *Athaliah*, as any other King or Queen *de facto*; and if they will, I will give them up for lost.

1. As for Providence ; the sum of all, he says, is this, That according to my Principles, *Athaliah* was placed in the Throne by God, by his Counsel, Decree, and Order, and peculiar Order ; Well ! I must own it ; for I know none but God, who can advance to the Throne ; and I know no more hurt in owning, that God exalted *Athaliah* to the Throne, than that he exalted *Baasha*, who slew *Nadab* the Son of *Jeroboam*, and Reigned in his stead ; and yet God himself, by his Prophet, tells *Baasha*, *I exalted thee out of the dust, and made thee Prince over my people Israel*, 1 Kings 16. 2. Postscript,
p. 7.

And what does he prove from this? Now *Athaliah* (says he) had the actual administration of Sovereign Power, and therefore according to the Doctor she was Queen by God's Authority, tho' not by the Law of the Land; and Allegiance must be due to her, as well as to any other: And all the Doctor's Arguments are as conclusive and valid for submission to *Athaliah*, as for submission to any body else. Grant all this, and what then? Why then this justifies the submission of the *Jews* to *Athaliah*, while she was possessed of the Throne, and no rightful Heir appeared : And what hurt is there in this? Will our *Author* condemn them for this submission? or does the *Scripture*, or *Convocation* do it?

If he would have concluded any thing to the purpose, he should have said, *And therefore it was unlawful for Jehoiada to have anointed Joash, and to have killed Athaliah*. But this he knew did not follow from my Principles ; for I expressly distinguish between God's making Kings by a particular nomination, as he made Kings in Jewry, and Case of AL-
entailed the Kingdom of Judah on David's Posterity, and his making legiance,
Kings by his Providence; as he does in other Nations. Now what P. 11.
I say about the Rights and Prerogatives of Kings advanced to the Throne, and settled there by the Divine Providence, concerns only

such Kingdoms, where God makes Kings only by his Providence; not such Kingdoms where God ordinarily makes Kings by a particular nomination of the Person, or by a Divine entail, which is equivalent to a particular nomination: For this greatly alters the Case.

To make this plain, let us consider the state of the Kingdom of *Judah*, and of the Kingdom of *Israel*, after the *Ten Tribes* were divided from the House of *David*. God first made Kings by an express nomination of the Persons, as he did *Saul* and *David*, and afterwards entailed the Kingdom on *David's* Posterity; when the *Ten Tribes* were divided from *Judah*, he still reserved to himself the Prerogative of nominating their Kings when he pleased; but yet he did not so strictly confine himself to nominate whom he would have to be King, or to an entail of his own making; but that he sometimes set up Kings by his Providence, without a particular nomination, or any successive right, as he did in other Nations; let us then consider what the right of these providential Kings was in *Judah* and *Israel*.

Now these Kings, when they were settled in their Thrones, had all the rights of other Sovereign Princes of *Judah* or *Israel*, excepting this, that they were liable to be divested of their Kingdom by God's nomination of a new King, or by the revival of an old Entail. When God nominated any King, and gave command to his Prophets to anoint him, it was always for life; and tho' during his Life he might nominate another to succeed him after his death, as he did *David* to succeed *Saul*, yet he never nominated another to take his Life and his Crown from him: and when he had made a perpetual Entail, tho' he might for a time interrupt the Succession, he did not cut it off; but it was otherwise with meer providential Kings, as it must necessarily be in such Kingdoms which were under the immediate disposal and nomination of God: A new nomination, or the appearing of the right Heir, put an end to their Reign. As for example.

Jeroboam was placed on the Throne of *Israel* by God's nomination, and Reigned as long as he lived, but for his sins God would not entail the Kingdom on his Family; but *Baasha* slew his Son *Nadab*, and succeeded in the Kingdom, and was the first providential King of *Israel* without a Divine nomination or entail. *Elah*, *Baasha's* Son, was slain by *Zimri*, and the Children of *Israel*, without any Divine appointment, made *Omri* King; *Ahab* his Son succeeded *Omri*, and *Joram Ahab*, who were all advanced by the Divine Providence, without God's nomination; but now their sins being very provoking, God commands his Prophet to anoint *Jehu* King over *Israel*, to destroy the Family of *Ahab*; and *Jehu* as soon as he

he was anointed, immediately takes possession of the Kingdom, kills *Joram*, and destroys the House of *Abab*. For tho' *Joram* was advanced by the Providence of God, and was the third successive King of his Family, and therefore had a good right against all human claims; yet he could have no unalterable right in the Kingdom of *Israel*, because that Kingdom was at God's immediate disposal, when ever he pleased to nominate a King. And this is the Reason of the different behaviour of *David* and *Jebu*: *David* was anointed as well as *Jebu*, but he never pretended to the Crown while *Saul* lived, because there was then an anointed King on the Throne: But this was not *Joram's* case; He had no more than a Providential Right, which in the Kingdom of *Israel* must give place to God's anointing; and therefore *Jebu* was King of *Israel* as soon as he was anointed, and *Joram* was his Subject.

And this was *Atthaliab's* case; She took possession of the Throne by very wicked means, but must be allowed to be placed there by the Providence of God; and if she had as *thorough a settlement*, as other Usurpers can have, had a right to the submission and obedience of the *Jews*, while it was not known that the King's Son was living; but *Judah* was an Hereditary Kingdom by God's entail, and therefore as soon as the true Heir appeared, she fell from her Power, as much by the express Ordinance and Command of God, as *Joram* did when *Jebu* was anointed; for a Divine Entail, as the *Convocation* asserts, is equivalent to an express nomination.

This shews a manifest difference between Kings set up by the Divine Providence in the Kingdoms of *Judah* and *Israel*, which were subject to the Divine Nomination, or to a Divine Entail; and King's set up by the Providence of God in other Nations, where God makes Kings only by his Providence: The first may be, and are deposed when ever God nominates a new King, or the Right Heir appears; tho' they had all the Rights and Settlement of the Regal Power before; in other Nations, those Kings, who are placed in the Throne, and settled there, are, and continue Kings, till the Providence of God displace them again; for where Kings are made only by the Providence of God, they can be unmade by Providence too.

Had our *Author* considered this, he would not have said, That it is meer trifling to talk of God's entailing the Crown, as if God was tied any more to the entails of his own making, than he is to humane Entails, and his own Decrees and Orders would not cut off his own Entails, as well as those of Men. For tho' God may cut off his own Entails, if he pleases, yet Men can't, and the meer Events of Providence can never prove, that God has done it; for we must never interpret providential

Events to contradict an express Revelation: And therefore, tho' the Providence of God in placing a King on the Throne in *Judah* or *Israel*, who neither was anointed by God's Command, nor had an Hereditary Right by God's Entail, justified their Submission to him; yet whenever God was pleased to anoint a new King, or to discover their Hereditary Prince, and to put it into their Power to place him on the Throne, the Right and Authority of these Providential Kings was at an end.

And now there will be no great occasion to take much notice of what he answers to my second Argument, *From the necessity of Government, to the Preservation of Humane Society*; for I readily grant what he contends for, That *these Arguments will equally conclude for Submission to Athaliah, as to any other Usurper*; and what then? The *Jews* did actually submit to *Athaliah*, and this Argument from the necessity of Government justifies their Submission. But our *Author* disputes, as if it were manifest that the *Jews* did not submit to *Athaliah*; but it is evident from the Story, that they did, and yet are not blamed in Scripture for so doing; but I suppose his mistake is, that because they owned *Joash* for their King, when he was anointed by *Jebojada*, and slew *Athaliah*, therefore they never submitted to *Athaliah's* Government; as if they could not very innocently and lawfully submit to the Government of *Athaliah*, while they knew of no other King they had, and yet own their King, who was their King by a *Divine Entail*, when they knew him; but indeed, here is the fundamental mistake of all, That he supposes the *Jews* all this while knew, that *Joash* the true Heir to the Crown was living, and therefore out of Loyalty to their Prince, they did not all this while submit to *Athaliah*; whereas it is evident from the Story, that they knew nothing of this matter, till *Jebojada* sent for the *Princes* and *Levites*, and discovered the King's Son to them; and I would desire him to consider, how *Athaliah* should be ignorant of this for six years, when all the People of *Israel* knew it; and yet, if he was not guilty of this mistake, I know not what sense to make of what he says, (p. 8.) about *swearing an Oath of Fidelity to her, to defend her against all Men, even against him whom they owned and acknowledged had a Right to the Throne*; that is, against *Joash*, who was their Rightful King, but they could not own and acknowledg him to be so; without believing him to be alive and safe: And yet, if they knew nothing of *Joash*, and did believe that the Royal Line was extinct, I desire to know of our *Author*, by his own Principles, had it been customary in those Days, what should have hindred

hindred them to have sworn Allegiance to *Athaliah*? for he allows possession to be something, when there is no better claim against it. And yet though they had sworn Allegiance to *Athaliah*, they might without Perjury have owned their lawful Prince, when *Jehoiada* had discovered him to them; for no Oath can oblige against a Divine Entail; and therefore such Cases are always supposed to be excepted.

I asserted in the Case, That Government and Allegiance are such relatives, as do *mutuò se ponere & tollere*, the one cannot subsist without the other: if the Prince can't govern, the Subject can't obey; and therefore as far as he quits his Government, he quits their Allegiance, and leaves his Subjects, as he does his Crown, to be possessed by another, and must recover them both together. This Our Author says, is as plain a fallacy, as ever he met with, and proves from the Example of *Joash*, that it is so; but I have said so much already to that case, that I will trouble my Reader no further with it. Divine and Humane Entails give very different rights to Princes (as will appear more presently) and yet even in Divine Entails, it was lawful for Subjects to submit to, and obey Usurped Powers, either when they were under force, or when they knew not their Rightful King; that is, whenever their King could not govern them.

He says, By Government, I mean the actual administration of it; and then Government and Allegiance are so far from being such Relatives, that they are no Relatives at all; they are only the Acts of Relatives; and to say the Acts of Relatives, are Relatives, is so far from being as certain as any Proposition in Logic, that it is Logical Non-sense. Well! Logical Non-sense, I hope, is the best sort of Non-sense however.

But my meaning is plain enough, and certainly true, which is as much, as any Proposition in Logic can be: By Government, I do mean the Actual Administration of Government, not as that signifies the particular Acts of Government; but the actual possession of Power and Authority to govern: by Allegiance, I mean that Obedience and Subjection which is due to Government; and if our Author will be so severe, as not to allow me to call these Relatives, yet they are the Relations which make the Relatives, and do *mutuò se ponere & tollere*; for what is the relation of a King to a Subject? His Dominion and Government: What is the relation of a Subject to a King? His due Allegiance and Subjection: then Dominion and Government makes a King, and Allegiance a Subject; and Allegiance has as necessary a relation to Dominion, as a Subject has to a King; if there be no King, there can be no Subject; if no Dominion and Government, there

Case of
Allegi-
ance, p. 42.

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p. 7.

there can be no Allegiance. Paternity is the relation that makes a Father, and Filiation a Son, and Paternity and Filiation have as mutual and necessary a respect to each other, as Father and Son; these are called by *Logicians*, *Relative Acts*, and why then may not I call Government and Subjection *Relative Duties*, by which I explained what I meant by Relatives; but this I'm sure is only a Logical Banter, and so let it pass.

But as to the matter in hand, since we are got into *Logic*, I desire to know of our *Author*, whether the Relative continues to be a Relative, when the relation is destroyed; for we are told, that the whole nature of Relatives, *relata secundum esse*, (for I must speak cautiously) consists in their Relation: if the Relation then of a King to his Subjects be Dominion and Government, does he continue a King, when he has lost his Dominion and Government? or do Subjects continue Subjects, when he ceases to be King? do they owe him Allegiance, when he has lost his Dominion? that is, can one Relative subsist by its self, without its Correlate?

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p. 10.

He tells us indeed, that the relation is only between King and Subject, and the actual Administration of Government of the one hand, and paying Allegiance on the other, are but the acts of that Relation, and consequential to it, but are not Relatives themselves: But I desire to know, what he calls the relation between King and Subjects; for King and Subjects are not the relation, but Relatives; as Father and Son are Relatives, Paternity and Filiation the Relation; now I desire to know what is the Relation between these Relatives, King and Subjects? the particular Acts of Government, and the particular Acts of Allegiance, I grant, are but the Acts of that Relation, but still we want to know what the Relation is, to which these particular Acts are consequential, and let our *Author* think of anything else, wherein to place this Relation, if he can, besides actual Dominion, and Sovereign Power, on the one hand, to make a King, and the obligations to Subjection and Allegiance, on the other hand, to make a Subject: from whence flow the particular Acts of Government and Allegiance: now if the Relative ceases with the Relation, where actual Dominion and Government ceases, the Kingship is lost, and the obligations to Subjection and Allegiance with it. All that I know of, that can be said in this Cause (and which those men must say, who make Allegiance inseparable from Right) is only this, that the Relation continues, as long as the *fundamentum relationis*, that whereon the Relation is founded, continues; and that being a Legal Right, while this Right remains, such a Legal King, though he be fallen from Power, is
King

King still, and Subjects are Subjects still, and owe Allegiance to him.

Now to shorten this Dispute, I shall only observe, That a Legal Hereditary Right is not the *fundamentum relationis*, the foundation of that relation, which is between Prince and Subjects, for then there would be no foundation of this relation between Prince and Subjects in any but Hereditary Kingdoms; for the same relation can have but one foundation; and yet there are a great many ways whereby Princes are advanced to the Throne; An Hereditary Right, The Election of the People, The Nomination of God, A Divine Entail, And Conquest, Which very much differ from each other; and if all these be different Foundations, there must be different *Kinds* and *Species* of Kingship; whereas the Relation between King and Subjects is the same in all.

And therefore we must find out such a foundation for this Relation, as will serve all Sovereign Princes, by what means soever they are settled in the Throne; and that can be no other but the Authority of God, by which Kings reign, and to which Subjects owe obedience: the several ways of advancing Princes to the Throne, are but the several ways of investing them with God's Authority; but the Authority of God with which they are invested, is the foundation of this Relation; and this is not always annexed to a Legal Right, but is always annexed to a full and settled possession of the Throne. No man can have God's Authority, who has not the actual Power and Authority of Government; for God's Authority is the Authority of Government; and when Princes fall from Government, so far they lose God's Authority, whatever becomes of their Legal Right; and all *Logicians* grant, that Relations are dissolved, when the foundation of such Relations cease. And therefore as in the nature of the thing, Subjects cannot obey a Prince, when he can't command, nor submit to him, when he can't govern; so when he falls from his Government, and another Prince is settled in his Throne, the foundation of this Relation at present ceases; for when God has taken away his Government, he has taken away his present Authority to govern; for God never gives the Civil Authority, without the Civil Sword.

I grant in all other Relations, where the Relation it self does not consist in the Authority of Government, nor the foundation of the Relation cease by falling from the actual Authority of Government, the Case is different, as between Parents and Children, Masters and Servants, where the Relation is founded in Nature, or Purchase, or
Civil

Civil Contracts, under the superior direction and government of the Civil Authority ; tho the Master of the Family, as he says, be *spirited away, or taken captive*, his Servants, and House, and Family, do not presently fall to the lot of the next Possessor, but must be disposed of by the Laws of the Countrey, and by the Authority of the Prince ; for such private and particular Interests are subject to publick Laws, and a Superior Authority. But the Authority of God is at his own disposal, and Sovereign Power and Dominion, to which the Divine Authority is annexed, is the Relation of a King to his Subjects ; and when his Sovereignty is lost, the Relation is so far dissolved, and there is no higher Tribunal to appeal to, but to that God who removeth Kings, and setteth up Kings.

And this shews, how inconsequent his Argument is, from the incapacity of a Subject to pay Allegiance, and a King to govern. If (says he) *a Subject be taken captive, or otherwise hindred from paying actual Allegiance, is the Relation lost, and does he therefore immediately cease to be a Subject ? And therefore neither doth a King, if he be hindred from the actual administration of Government, cease to be a King, but hath the same right to our Allegiance, in, and out of possession.* Now to wave all other Answers (though, I suppose, our Author will not deny, that such a Captive may become a Subject to another Prince) these two Cases are not parallel ; in the first Case, tho the Subject is taken Captive, yet the foundation of the Relation is not destroyed, for his Prince is on his Throne still, in the actual administration of the Government, tho he be violently torn from him ; so that this Relation may continue, because he has a Prince to whom he is related : but when the Prince is fallen from his Kingdom and Power, the foundation of the Relation is at present destroyed ; the Kingdom is translated to another Prince, and the Subjects, and their Allegiance translated with it.

Our Author proceeds to argue from the Case of *Joash*. The Doctor's distinction (that is, about a Divine Entail) is against him. 'Tis true, God did entail the Kingdom of Judah on the Family of David, and for that reason they ought not to submit to an Usurper. But this is so far from being a reason, why they may submit to one in other Kingdoms, where Entails are made by Laws, that it is a reason, and a very good one, why they ought not.

But before we hear his Reason, I must observe that he mistakes the use of my Distinction ; which was not to prove, That because God had entailed the Kingdom of Judah on the Posterity of David, and had reserved to himself a right in the Kingdom of Israel, to nominate their King, and entail the Crown, when he pleased ; that therefore the Subjects of those Kingdoms might not submit to

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any other Kings, whom the Providence of God placed in the Throne, without such a Divine Nomination and Entail; for it appears from what I have already discoursed, that they both actually did, and lawfully might submit to such providential Kings, when either there was no King by God's Nomination or Entail, or no such King was known; but the use of the Distinction was to shew, that in such *Theocratical* Kingdoms, where God challenged a peculiar right to make Kings by his exprefs Nomination or Entail, though God may see fit sometimes to set a providential King upon the Throne, yet whenever he nominates a new King, or discovers the right Heir to whom the Crown belongs by a Divine Entail, the Reign of such Providential Kings is at an end, and the Subjects may and ought to depose or kill them, and own the King of God's nomination: so that if he will prove any thing from my Distinction with reference to other entailed Kingdoms, he must shew, that my Distinction proves, that in such Kingdoms, where God makes Kings only by his Providence, a Humane Entail of the Crown will justify Subjects in deposing and murdering a new King who is placed and settled in the Throne by Providence, while the Legal King, or Legal Heir is Living, as much as God's exprefs Nomination or Entail would justify the deposing a Providential King in the Kingdoms of *Judah* and *Israel*.

And now let us hear his Reason: For (says he) *God's entailing the Crown of Judah, was the Law of that Kingdom in that respect; and the people of other Kingdoms are as much bound to observe their own Laws, as the people of Judah were theirs. All Humane Laws that are just, bind in Conscience, and (according to the Doctor's own Principles) these Laws were made by God's Authority. So that the Doctor mistakes the Question; we do not oppose Humane Laws to God's Authority, but we oppose Laws which are made by God's Authority, and which are Rules to us, to Providence, which is no Rule. When God entailed the Crown upon David's Posterity, they had then a Legal Right to it, and so hath every Family in other Kingdoms, upon which an Entail is made by the respective Laws of the Country.*

But what would our Author prove from this? That in every Hereditary Kingdom the Legal Heir has a Legal right to the Crown, as well as in *Judah*? and did I ever deny it? or that the standing Laws of every Country are the Rule for Subjects in setting up Kings, when it is their own free Act and Choice; and who denies this too? There is a Dispute indeed whether the Laws of *England* do oblige Subjects in all cases to make the next Lineal Heir to the

Crown their King; but no man ever denied, but that in making Kings, Subjects are bound by the Laws of the Land, when it is their own free and voluntary Act. I am sure my *Hypothesis* is not concerned in this Question, and therefore be it how it will, it can prove nothing against me. Or would he prove, that when an Entail is settled either by Divine or Humane Laws, God never interposes by his Providence to set up a King, who has not this Entailed Legal Right? This was manifestly false, both in the Kingdom of *Judah* and *Israel*, which God had reserved for his own Nomination, or Entail, and yet He set up several providential Kings, *Athaliah* in *Judah*, and *Baasha*, and *Omri*, and *Ahab*, and *Joram* and others in *Israel*; and in all other Kingdoms, at one time or other. Or would he prove, that when God by his Providence has settled a Prince in the Throne without a Legal Right, Subjects ought not to obey him, and submit to him as their King? This is confuted by the Examples of *Judah* and *Israel*, who submitted to *Athaliah*, and their providential Kings, who had no Legal Right, by a Divine Nomination, or Entail, and are yet never blamed for it. Or would he prove, that a Human Entail of the Crown does as much oblige Subjects in Conscience to pull down a King, who is settled in his Throne by God's Providence, with a National Consent and Submission, but without a Legal Right, to set the Legal Heir on his Throne again, as *Jehoiada* was, by virtue of the Divine Entail, to anoint *Joash*, and slay *Athaliah*? This is the single Point he ought to prove; but I do not see that he offers any thing like a proof of it.

The sum of his Argument is this; That a Human Entail of the Crown, made by the Laws of any Countrey, does in all Cases, and to all intents and purposes, as much oblige Subjects, as a Divine Entail, which is only the Law of the Kingdom too. *For the people of other Kingdoms are as much bound to observe their own Laws, as the people of Judah were theirs.*

The Dispute in general about the Authority and obligation of Humane Laws, is very impertinent to this purpose; for no man denies it; But yet we think Divine Political Laws much more sacred, and universally obligatory than any meer Human Laws, tho they are made by men, who have their Authority of Government, and consequently of making Laws from God; and I believe our *Author* is the first man who has equalled Humane Laws, with those Laws which are immediately given by God.

But the Dispute between Divine and Humane Laws, and a Divine and Humane Entail of the Crown, are of a very different nature,

ture, though they be both the Laws of the Countrey for which they are made, as will easily appear, if we compare God's making Kings by a providential settlement of them in the Throne, with a Divine and with a Humane Entail A Divine Entail is God's settling the Crown on such a Family by the express Revelation of his Will; and though God should after this, settle a Prince in the Throne by his Providence, to whom the Crown did not belong by this Entail, such a Providence would not justify Subjects in submitting to such a providential King, when it is in their power to set the right Heir upon the Throne; for this would be to expound Providence against the express Revelation of God's Will: But a Human Entail is only a providential settlement of the Crown on such a Family; and what is settled only by Providence, may be unsettled by Providence again; for where God makes Kings only by his Providence, he can unmake them by his Providence also, and make new ones.

This discovers the fallacy of what he adds; *We do not oppose Human Laws to God's Authority, but we oppose Laws that are made by God's Authority, and which are a Rule to us, to Providence, which is no Rule.* Now I would ask our Author, Whether the Laws of England, which entail the Crown, are not Humane Laws? If they be, I ask, Whether they do not oppose these Humane Laws to the Authority of God in making Kings by his Providence? for do they not refuse to obey a King, whom the providence of God has placed and settled in the Throne, upon a pretence that he is not King by Law? And then I think, they give greater Authority to the Laws of the Land, than to God in making Kings, which is to oppose Humane Laws to God's Authority.

To avoid this, he will not call them Humane Laws, but *Laws made by God's Authority*; but the Question is, Whether they are Humane or Divine Laws? It is a childish piece of Sophistry, and argues a great contempt of his Readers, to call Humane Laws, *Laws made by God's Authority*, because Sovereign Power, which makes these Laws, is God's Authority; as if there were no difference between Humane and Divine Laws, because they are both made by God's Authority; though the one are made by the immediate Authority of God, the other are made by men, who receive their Authority from God; whereas in the first Case the Authority of God gives an immediate Divine Authority to the Laws made by God, which therefore are said to be made by God's Authority; in the other case the Authority of God terminates on the Person, and does not immediately affect his Laws; Sovereign Princes have their Authority

rity from God, but their Laws are the Laws of Men; and the difference between them is this, that Divine Laws, which are made by God himself, have a Superior Authority to Men, and to all Humane Laws, though made by a delegated Authority from God; for God grants Authority to Men only in subordination to himself, and the Authority of his own Laws: He might as well have said, That all the By-laws of a Corporation are the King's Laws, because made by his Authority granted to them by Charter; and therefore there is no difference between the private Laws of the City, and the Laws of the Kingdom, as being both made by the Authority of the King. This may satisfy our *Author*, That though Humane Laws in some sense may be said to be made by God's Authority, yet when men oppose a legal Entail of the Crown to the Authority of God in making Kings, they oppose Humane Laws to the Authority of God.

Well! but *these Law are our Rule*; they are so, when they are not over-ruled by a Superior Authority; but that they may be by the Authority of God: And *the Providence of God is no Rule to us*; If by this he means, that we must not make Providence the Rule of Good and Evil to us, *i. e.* that we must not think it lawful for us to do whatever the Providence of God does, I grant it; for the Laws of God are the Rules of Good and Evil, not his Providence: but if he means, the Providence of God cannot direct our Duty, cannot lay some new Obligations on us, and discharge our old ones, this is manifestly false in a thousand Instances; every new Condition Providence puts us in, every new Relation it creates, it requires some new Duties, and lays some new Obligations on us. I shall instance only in the Case before us: If the Providence of God can remove one King, and set up another, tho this does not alter the Duty of Subjects to their Prince, yet it changes the Object of their Allegiance, as it changes their Prince: the Laws of God prescribe the Duty of Subjects to their Prince, but the Providence of God makes him.

And now let us consider the opposition he makes between Humane Laws of Entail, and Providence; for he confesses, they do oppose *Laws made by the Divine Authority*, that is, the Laws of the Land, which entail the Crown, *to Providence*, or to the Providence of God in making Kings: that is, they think themselves bound in Conscience to adhere to that King, tho out of possession, who by the Laws of the Land has a legal Right to the Crown, against that King, who is actually settled in the Throne by the Providence of God: Now if we will consider the sense of things, and not the words, this is

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no more than to say, that they oppose the Providence of God against Providence; his former Providence against his later Providence; that is, they will not allow the Providence of God to change and alter, whatever Reasons the Divine Wisdom sees for it; but what God has once done, that they are resolved to abide by, whatever he thinks fit to do afterwards, which is to oppose God's Authority, and to shackle and confine Providence, that it shall not alter its usual methods in the Government of the World; or when it has disposed of the Crown once, shall never be at liberty, while that Family lasts, to dispose of it again to any other.

For what are these Laws, which, he says, *are made by the Divine Authority*, and are *our Rule*? They are the Laws of Succession, which entail the Crown. And how does God settle the Crown on any Family by such Laws? No otherwise but by his Providence, so over-ruling the hearts and counsels of Men, as to consent to such an Entail, which gives a humane Right to the Crown, and bars all other humane Claim. So that an Hereditary King, by a humane entail of the Crown, with respect to God, is only a Providential King; as much a Providential King as the first of the Family was, who obtain'd it by Election, or Conquest, or worse Arts, not by God's express nomination of the Person: So that to oppose the Laws of Entail made, not by God's immediate Authority, as they were in the Kingdom of *Judah*, but by the over-ruling influence of Providence, against God's setting up a new King on the Throne, by other Acts of his Providence, is to oppose Providence against Providence; God's Providence in settling the Crown in such a Family by a legal Entail, against his Providence in settling a new King upon the Throne: It is all but Providence still, and I desire to know why the Providence of an Entail is more Sacred and Obligatory than any other Act of Providence, which gives a Settled possession of the Throne?

What follows is pretty, and nothing more: The Land of *Canaan* was divided among the Twelve Tribes by God's express Command, and this answers to God's Entail of the Crown on *David's* Family; the possession in all other Countries is only by Providence, and this answers to a humane Right and Title to the Crown: Well! there is something of likeness between them, and what then? *And therefore according to the Doctor's way of reasoning, every Man who wrongfully possessed himself of another Man's Estate in that Land (Canaan) must be made to restore it; for God had expressly given it to the other, and to his Family. But in all other Countries, if a Man by Providence get his*

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Neighbour's Estate, he must have it; for the event is God's All, and it is his evident Decree and Counsel that he should have it.

Now the fundamental mistake, which runs through all these kind of Arguments, is this; That they make the events of Providence in private injuries, Thefts, Robberies, Encroachments of one Subject on another Subject's Rights, to be the very same with God's disposal of Kingdoms, and to have the same effects; whereas all private injuries are reserved by God himself to the correction and redress of Publick Government, and Humane Courts of Justice; and therefore his Providence has no effect at all on such personal Rights; but the very nature of the thing proves, that such disputes, which are too big for a legal decision, or any humane Courts, for the decision of which, God has erected no universal Tribunal on Earth, he has reserved to his own judgment, such as the Correction of Sovereign Princes, and the transferring Kingdoms and Empires; and here the final determinations of Providence in settling Princes on their Thrones, draws the Allegiance and Submission of Subjects after it; and in such Cases God does not confine himself to determine on the side of Humane Right, but acts with a Sovereign Authority, and gives the Kingdoms of the World to whom he pleases, as he can best serve the Wise, and many times the unsearchable designs of his Providence by it; which shows how much our *Author* is out, in applying what I said of God's making Kings, to God's disposal of private Estates. *It is to say, that God, as well as Men, is confined to humane Laws; In making Kings, I said; In disposing of Estates, saith our Author; as if disposing of Estates, and making Kings, were the very same thing; whereas God has erected humane Judicatures to Judge of the first, but has reserved the second to his own judgment; and when God himself judges, he judges with Authority, with Wisdom, with Justice, superior to all humane Laws. Our Author might as well have said, That we must not resist private Men, or Inferior Officers, when they are injurious, because we must not resist a Sovereign Prince, when he illegally oppresses us, as that we must not dispossess a private Subject, who has injuriously possessed himself of our Estates, because Subjects must not pull down a Prince, who is settled in the Throne without a legal Right. The Poet would have taught him the difference between these two Cases.*

Regum

*Regum simendorum in proprios Gregeſ.
Reges in ipſos Imperium eſt Jovis.*

Subjects are under the Government and Correction of Princes ; Princes under the Government of God.

And beſides this, according to my Principles, Kings muſt be *thoroughly ſetled* in their Government before it becomes unlawful for Subjects to diſpoſſeſs them ; and then if he will make the Caſes parallel, He who unjuſtly ſeizes another Man's Eſtate, muſt be *thoroughly ſetled* in it, before it becomes unlawful to diſpoſſeſs him ; but that no private Man can be, who is under the Government of Laws, and has not the poſſeſſion of his Eſtate given him by Law ; and when he has, whether right or wrong, he muſt not be violently diſpoſſeſſed again ; but in Cauſes ſuperior to Laws, as the revolutions of Government, and the tranſlations of Kingdoms are, there may be a *thorough ſettlement* by a ſetled poſſeſſion without Law ; and muſt be ſo, where Laws cannot determine the controversy, that is, where there is no ſuperior Tribunal to take cognizance of it.

So, that as our *Author* has ſtated the Caſe, it ſignifies nothing to the preſent purpoſe ; for whether private Mens Eſtates be ſetled by a Divine or Humane Entail, it is the ſame caſe ; if they ſuffer any Injury from their Fellow-Subjects, they muſt ſeek for Redreſs from publick Government ; but I could have told him a way, how to have applied this caſe to the purpoſe ; but then it would not have been to his purpoſe, but to mine.

In *Canaan*, where God allotted every Tribe and Family their Inheritance, none could pretend a Right to any Portion of Land, but what was allotted them : but in other Countries, which were left in common, Poſſeſſion and Occupation gave a Right. Thus in *Judah*, none had an ordinary Right to the Crown, but thoſe who were nominated by God, or had the Crown deſcended on them by a Divine Entail ; but in other Countries, Poſſeſſion and Occupation gave a Right to the Allegiance of Subjects.

In *Canaan*, when God had ſetled ſuch an Inheritance in a Family, it could never be perpetually alienated ; but tho it were ſold, it could be ſold for no longer time than till the year of *Jubilee*, when all Eſtates were to return to their old Proprietors again ; but in other Countries, Men may part with their Eſtates for ever. Thus in the Kingdom of *Judah*, tho God by his Sovereign Authority might

might set up a Providential King, yet this did not cut off the Entail, but when ever the true Heir appeared, Subjects, if they were at liberty, were bound to make him King, and dispossess the Usurper; but in other Kingdoms, a Kingdom may be lost, as well as an Inheritance sold for ever.

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51, 52.

In Answer to that Objection, *That the Laws of the Land in such Cases as these, are the measure of our Duty, and the Rule of Conscience; and therefore we must own no King, but whom the Laws of the Land own to be King, that is, in an Hereditary Monarchy, the right Heir; I granted. That the Laws of the Land are the Rule of Conscience, when they do not contradict the Laws of God; but when they do, they are no Rule to us, but their Obligation must give place to a Divine Authority. Suppose then there were an express Law, that the Subjects of England should own no King but the Right Heir; and notwithstanding this Law, (as it will sometimes happen, and has often happened in England) a Prince, who is not the right Heir, should get into the Throne, and settle himself there; if the Divine Law in such a Case commands us to pay all the Obedience and Duty of Subjects to a Prince in the actual Possession of the Throne, and the Law of the Land forbids it, which must we obey, the Law of God, or the Law of the Land?*

Postscript,
p. 11.

To this our Author answers, *Where is this Law of God, that commands us to obey Usurpers? Where is it ever affirmed in Scripture in express Terms, or deduced from thence by evident Consequence? This I had shewed before, and it is in my Book still, and there he may see it. But this Law had need be very clear and evident, and the Doctor had need be very sure of it, when he builds not only his Book, but his Practice upon it, in plain Contradiction (by his own confession) to the Laws of the Land. But I never confessed, this was contrary to the Laws of the Land; but on the contrary, that the Laws of the Land, if we will believe Learned Judges and Lawyers, do allow and justify it; and I think the Scripture is very plain in the case; and if he would give me leave to be sure of any thing, I think I am pretty sure of it. But he proves the Scriptures cannot be clear in the point, from the Controversies about it, in the late dismal Times of Usurpation; that is to say, nothing can be clear in Scripture, which is matter of Controversy; and thus we must either be Scepticks in Religion, or seek for an Infalible Interpreter. Thus Hereticks oppose the Articles of Faith; thus Papists dispute against the Scriptures being the Rule of Faith; and whither these Arguments will carry our Author, I cannot tell, but they look very kindly towards Rome; and if that be his Inclination, I can pardon his Zeal in this Cause.*

But

But no Learned Men could ever espy this Law before the time of John Goodwin. What then does he think of Mr. Calvin and Grotius, who have both passed for learned Men? And they espied this Law before the time of John Goodwin, as he may see, if he pleases, in their Commentaries on Daniel, and the Romans; or that he may not seek for it, I have given him a taste of their Judgment in the Margin. What thinks he of Bishop Overal's Convocation? Were there no Learned Men in it? And yet they espied this Doctrine, before John Goodwin was thought of; what John Goodwin thought of this matter. I cannot tell, for I am not much versed in his Writings; but if some Men abused a true Doctrine to wicked purposes, must we therefore deny the Doctrine, or rather vindicate it from such Abuses? But what thinks he of the Primitive Christians, whose Sense he may guess at, from what Grotius has cited; and their practice in all the Revolutions of the Empire does more fully declare it; for they always submitted to the Reigning Emperor, by what means soever they gained the Throne; and that is an argument, that they owned the Doctrine, because they practiced it; as our Author will quickly be informed by a Learned Pen.

Imperia omnia post vocationem gentium Deus regit & mutat non communi tantum illam providentiam, per quam multarelinquit naturali ordine; sed sapientiam attemperatam subditorum utilitatibus, aut si ita meruerint panis. Fecit hoc & olim Deus aliquoties, Psalm. 75. 6, 7. Prov. 28. 2. Dan. 2. 21, 37. At Christus hoc Universaliter à Christianis credit, & pro certo haberi voluit. Joh. 19. 11. quem sequens hoc loco Paulus, nullum ait imperium nunc contingere, nisi Deo Authoritatem ei suam dante, sicut Rex dat praesidibus. Quod ut rectius intelligatur, addit, omnia imperia quæ sunt, i. e. quam diu manent ac durant, à Deo constitui, i. e. Authoritatem suam accipere, non minus quam si Reges illi per Prophetas uncti essent, ut quidam Syria Reges. In Clem. Const. habemus, Τὸν βασιλέα ποθέντες, εὐδῶς ὅτι οὗτως εἶναι ἡ χριστιανία. Iren. 5. 24. Cujus enim jussu homines nascuntur, hujus jussu, & reges constituuntur, apti illis, qui illis temporibus ab ipsis regnantur. Tert. Apol. Nos judicium Dei suspicimus in Imperatoribus, qui gentibus illos praefecit, Grot. in 13. Rom. 1.

At sanè hoc verbo mihi videtur Apostolus voluisse tollere frivolam hominum curiositatem, qui saepe solent inquirere quo jure adepti fuerint potestatem qui rerum potiuntur; satis autem nobis esse debet quod praesunt: non enim conscenderunt suam ipsi virtute in hoc fastigium, sed manu Dei sunt impositi, Calv. in 13. Rom. 1.

I grant indeed, That the Resolution of Conscience ought not to depend on such Niceties of Law and History, as Learned Men cannot agree about; and that is a reason, why Legal Rights and Titles should not be the Rule and Measure of our Obedience to Princes, who are possessed of the Throne; but is this a reason to reject the Directions of Scripture

H

too,

too, because some Men will dispute the plainest *Texts*? This has nothing but either *Scepticism* or *Infallibility* at the bottom.

Postscript,
p. 12.

Aug. de
Civitate
Dei, l. 5.
c. 12.

Our *Author* proceeds to consider the Scripture-Testimonies, which I cite in this Cause. And *First*, from the Old Testament, *That God giveth Kingdoms to whomsoever he will; that he removeth Kings, and setteth up Kings*, 4. Dan. 17. 2. 21, 37. Now the whole of his Answer to this, is, That *Usurpers* are no Kings; and therefore, tho God removes Kings, and sets up Kings, he does not set up *Usurpers*; and the whole of his proof is, that *Athaliah*, who was an *Usurper*, was no Queen. As for *Athaliah*, I suppose our *Author* has enough of her already; She was God's Providential Queen, tho an *Usurper*, as much as *Baalsha* was God's King. And to say, That a King without a Legal Title, or an *Usurper*, who has a settled Possession of the Regal Power, is no King, is Nonsense. For Regal Power and Authority makes a King, as St. *Austin* tells us, *Regnum à Regibus, Reges à Regendo*; that a Kingdom is so called from Kings, and Kings from Governing; it is certain, he who has the Exercise of the Regal Power and Authority, is King, whether we will call him so or no; and he is no King, who has no Regal Power, whatever his Title be. If this be not so, our Laws are Nonsense, which distinguish between a King *de jure* and *de facto*, if a King *de facto* be no King, tho it signifies one who is actually King.

But pray, what Sense does this make of what the Prophet *Daniel* says, *That God changeth times and seasons, removeth Kings, and setteth up Kings*? By *Kings* here, according to our *Author*, the Prophet means not *Usurpers*, but Rightful and Lawful Kings; and then the meaning is, that God removeth, or pulleth down Rightful Kings, and that he setteth up Rightful Kings. Now, as for setting up Rightful Kings, our *Author* likes it very well; but how does he like pulling down Rightful Kings, which is as much against Law and Right, as to set up Kings without Right? And that it seems God does. He will not allow us to pay Allegiance to a King, who is set up without Right; will he then allow us to withdraw our Allegiance from a Rightful King, whom God has removed and pulled down? If he won't, as it is plain he won't, then God can no more remove a Rightful King, than he can set up an Illegal *Usurper*; but when the

the Prophet says, God removeth Kings, and setteth up Kings, to reconcile it to our *Author's Hypothesis*, the removed King must signifie an Usurper, and the King set up, a Rightful and Legal King. I doubt not but our *Author* would be ashamed to say this; but whether he be or no, he dares not say it; for then he must allow, that *King* may signify an Usurper, as well as a Rightful King, which overthrows all he says, for then it is reasonable to expound the Text of all Kings, whatever they be, who are removed or set up.

And this is evidently the Prophet's meaning, to attribute all the changes and revolutions of Government, when ever they happened, not to Chance or Fate, but to the Divine Providence, that whenever we see one King removed, and another set up, whoever they be, they are removed and set up by God, *who ruleth in the kingdom of Men, and giveth it to whomsoever he will*; Does *whomsoever* signifie those only who have a legal Right? Does *giving* suppose an antecedent right in him to whom it is given? Does *giving to whomsoever he will*, signifie, giving it only to those to whom the Law gives it? Do we use to say, a Man may give his Estate to whom he will, when his Estate is entailed, and he cannot alienate it from the Right Heir? We should think this a very absurd way of speaking among Men; and yet thus our *Author* must expound God's giving a Kingdom to whomsoever he will, to signify his giving the Kingdom to the Right Heir. He may, if he please, call this Expounding Scripture; but I doubt every body else will give it some other name, and I hope he himself upon second thoughts will be ashamed of it.

But it is more absurd still, if we apply it to the occasion, *viz.* those great Revolutions and Changes of Empires, which the *Prophet* foretold, and which he attributes to God; and when Kingdoms and Empires are overturned by violence, it is nonsense to talk of God's setting up only Rightful Kings, not Usurpers; when all those Revolutions were nothing else but force and Usurpation: Men may talk of Law and Right of Succession in a settled Government, but Kingdoms are not transferred, nor Kings removed, nor set up by Law; and therefore when the *Prophet* tells us with respect to such violent Revolutions, That God changes times and seasons, that he removeth Kings and setteth up Kings, an ingenious Man must

be hard put to it, to say, This is not meant of Usurpers, but of Rightful and Legal Kings; whereas if but one of these must be meant, we must expound it of such Kings, who ascend the Throne by Force and Usurpation; and if when God is said to remove Kings, he will allow this to be meant of Rightful Kings, who were legally possessed, I wonder how he should fancy, that those Kings who dispossess the rightful Kings, and place themselves in their Thrones, should in his sense be legal and rightful Kings too.

My Testimony from the New-Testament is, Rom. 13. 1, 2. Let every Soul be subject to the higher powers, for all power is of God. Now by Powers, our Author says, I understand Usurped as well as Lawful Powers: I do so; by Powers I understand the Powers in a settled Government, whatever their Claim and Title be: He says, this is contrary to the current of all good Interpreters; That I deny: I have shewn him already, that I have Mr. Calvin and Grotius on my side, and the Convocation; and if that will not satisfy him, it is no hard matter to produce more.

Case of.
Alleg.
p. 18.

My Reason, he says, is, Because the Scripture makes no distinction between Kings, and Usurpers. One of my Reasons is, That the Scripture has given us no directions in this case, but to submit and pay all the obedience of Subjects to the Present Powers. It makes no distinction, that ever I could find, between rightful Kings, and Usurpers, between Kings whom we must, and whom we must not obey. These last words he conceals, because they Spoil all his Argument: For he adds, I thought the Case of Athaliah had been a distinction; and had this precept been given in those days, I wonder whether any body would have doubted of whom it ought to be understood, of Athaliah or Joash.

But the Answer is plain, There was a distinction between Athaliah and Joash, That She was an Usurper, and He the Rightful King; and I hope our Author had not that mean opinion of me, to think that I made no distinction between an Usurper and a Rightful King, with respect to their Usurpation and their Right; but I say, the Scripture makes no distinction between a Rightful King and an Usurper, with respect to the Obedience of Subjects, while they are settled in the Throne; the Scripture does not tell us, that there are some Kings whom we must obey, and other Kings, viz.
Kings

Kings by Usurpation, whom we must not obey: And with reference to this, the Case of *Athaliah* is no example of such a Distinction; for the *Jews* were not forbid either by the standing Law of the Kingdom, or by *Jeboiada*, to submit to *Athaliah*, while she was possessed of the Throne, and *Joash* was concealed; but they actually submitted to her, and are no where blamed for it: That *Jeboiada* afterwards anointed *Joash*, and slew *Athaliah*, was owing to the Divine Entail of the Crown, and was peculiar to *Judah*, and affects no other Providential Kings, who are settled in their Thrones. So that had this Law been given to the *Jews* at that time, while *Joash* was concealed, it must have been expounded of *Athaliah*, who had possession of the Throne; when *Joash* was known, and anointed, it must have been expounded of him, as having a Divine Right to the Throne of *Judah*.

He proceeds; But (saith the Doctor) if the Apostle had intended such a distinction; he ought to have said it in express words; and why so, I pray? I gave him a reason for it, which he is pleased to conceal; Why should we think the Apostle here intends a distinction unknown to Scripture? had there been any such Rule before given, to submit to Lawful Powers, but not to submit to Usurpers, there had been some pretence of understanding St. Paul's All Power, of all Legal Power; but there being nothing like this any where else in Scripture, if he had intended any such distinction, he ought to have said it in express words, or else no body could reasonably have understood him to intend this Precept of subjection to the Higher Powers, only of Powers that had a Legal Right. This I thought a very good reason, and did not expect to have been asked for more, till this had been answered.

But, says our Author, does not the nature of the thing sufficiently distinguish it? The nature of the thing distinguishes between a Legal King, and an Usurper, but the nature of the thing does not prove, that Usurped Powers are not the Higher Powers, and ought not to be obeyed; but, I think, proves the quite contrary. But are there not several Rules about Right and Wrong, which extend to all Persons and Cases? Yes, there are; such is the Apostle's Rule in this Chapter, to give to every one their due; but then the Question returns, What is their due? Whether Obedience and Subjection be not due to the Prince, who governs, not to the Prince who does not, and cannot

cannot govern, whatever his Legal Right to the Government be?

But because this Argument of *Right*, and our obligations to do right to every man, especially to Princes, is that whereon this Controversie turns, I shall particularly, but briefly consider it.

The Argument is this. He who by the Laws of the Land has a right to the Crown, has a right to our Allegiance; and whether he be in or out of possession, to own any other King, to submit and pay Allegiance to any other, though actually possessed of, and settled in the Throne, is great injustice to our natural Prince, and a violation of that precept, *To give to every one their due*. And whatever force and necessity we are under, we must not do so wicked and unjust a thing, to preserve our selves, nay, to preserve the Nation from ruine.

This Objection has been answered more than once in my Case of Allegiance; but because I find some men very unwilling to understand it, I will try whether I can set it in a clearer light. Now here are two things to be considered. 1. The Right to the Crown. 2. The Right to Allegiance.

As for the first, the fundamental prejudice and mistake seems to be this, That men make no difference between a Legal Right to the Crown, and the Legal Right of Subjects to their Estates: and therefore think it as wicked and unjust, for Subjects, whatever their Circumstances are, to own any other Prince, but the Legal Heir, as it would be for Tenants to pay their Rent to any but their true Legal Lord. But I apprehend a great difference between these two Cases, and it is this; That in settling an Estate, there is nothing more required but a meer Humane Right; but to make a Legal King, besides an Humane Right to the Crown, he must have God's Authority. There is nothing but a Legal Descent, and a Legal Possession, that gives Right to a Legal Estate, and therefore the Law must have its effect, and is the only adequate Rule of Right and Wrong in such Cases. And though the Providence of God allots mens private Fortunes; though he makes rich, and makes poor; yet he gives no man a Right to an Estate, which he has got by Fraud, Injustice and Violence; nor exempts them from Legal Punishments and Prosecutions; but leaves all such meer Legal Rights, under the general influence of his Providence, to the care of publick Government. But

But now if a meer Humane Right cannot make a King, but it is God's Authority which makes a King; if God reserves this Authority in his own hands, to the free disposal of his own Sovereign Will and Counsel, and does not inseparably annex it to Humane Entails of the Crown; if God's Authority, without a Humane Right, can make a King, but Humane Laws cannot make a King without God's Authority; this may satisfy us, that when God thinks fit to interpose his Authority, a meer Legal Right is not a sufficient reason to adhere to a Prince whom God has removed from the Throne, nor the meer want of a Legal Right, a sufficient reason to disown a Prince, whom God has set upon the Throne: If meer Law made a King, as it makes an Heir to an Estate, it were very unjust in Subjects to own any but a Legal King; but if the Sovereign Authority of God can remove a King, who has the Legal Right, and set up a King, who has no Legal Right, then meer Humane Laws are not the only Rules of Right and Wrong in this matter: and there is no reason to charge any man, who upon these Terms submits to a new Prince, with the least injustice, either in disowning his old Legal Prince, or in submitting to a new one.

Secondly, As for the Right to Allegiance, it was the great design of my Book to prove, that Allegiance is not immediately due to a Legal Right to the Crown, but to Government; and therefore a Prince, who has a Legal Right to the Throne, but has it not, cannot have a Right to my Allegiance, till he gains the Throne; and I deny him no Right which he can justly claim, tho I deny my Allegiance to him, while he is out of the Throne: And methinks our *Author* should have answered all that I said upon this Argument, before he had so dogmatically told us, That the *general Rules about Right and Wrong, which extend to all Persons and Cases*, made it needless for *St. Paul* to have told us, That by the *higher powers*, and the *powers that are*, he meant only *Legal Powers*; for if *Illegal Powers*, in his Sense, may be the *higher Powers*, and the *Powers, that at present are*, who have the actual administration of Government, and Allegiance be immediately due only to the Governing Powers; then notwithstanding the *General Rules of Right and Wrong*, the *Apostle* might mean our *Author's Illegal Powers*. I am sure the Reason of things does not prove the contrary; for when the Allegiance and Obedience of Subjects, is a Duty only for the sake of Government, for the ease and safety of it, it is very strange that it should not be due to a settled Government, but due to a Prince who does not, and cannot Govern.

And.

And if I may have liberty to dispute with this *Author* upon his own Principles, I desire to know of him, Whether Allegiance be due to any Prince upon any other account, than his being invested with God's Authority? let him say it is at the utmost peril of his Cause. How then does God invest any Prince with his Authority of Government, whom he does not immediately nominate, as he did in the Kingdom of *Judah*? it must be either by annexing his Authority to the Legal Office, or by placing such a Person on the Throne, by what means soever he does it, or by both: And then it is certain no Prince can have God's Authority, who is not in possession of the Throne, and then no Allegiance can be due to him. § If God's Authority be annexed to the Regal Office, a Prince must be in the actual Administration of the Regal Office and Power, before he can have God's Authority: as a man must be actually married, before he can have the Authority which the Divine Laws give to a Husband. If God's settling a Prince in the Throne, gives him this Authority, then no Prince who is removed from the Throne, can have God's Authority: And this is agreeable to the Language of Scripture, when God is said, to *remove Kings, and set up Kings*, which when it does not signify the express Revelation of his Will, but the Acts of his Providence, can mean no more, than the removing one King from the Throne, and placing another in it; as it is elsewhere expressed, *He pulleth down the mighty from their seat, and exalteth the humble and meek.* The truth is, *The Authority of Government is always God's Authority*; and that is the Reason Bishop *O-veral's Convocation Book* gives, why any degenerate Forms of Government, when thoroughly settled, must be revered and obeyed; *because the Authority so unjustly gotten, or wrung by force from the true and lawful Possessor, is always God's Authority*; which they offer no proof at all of, but what is supposed in their Reason, that the Authority of Government, when it is once settled, is God's Authority; and then how those Princes, who, whatever their Right be, have no Authority of Government, should have God's Authority, I cannot guess: For to call a Right to the Crown, the Authority of Government, is contrary to the Sense of Mankind, when they speak of Sovereign Princes: for he has the Actual Authority, who actually administers the Government; and it is Actual Authority, which is God's Authority, not Authority in Fancy and *Idea*; for God does not give Authority to govern, without the Power of Government, which is a very fruitless and insignificant Authority.

Convocat.
Chap. 28
P. 57.

But

But to proceed, our *Author* proves by a parallel Case, that *St. Paul* by the *Higher Powers* could mean only *Lawful Powers*, for the *Apostle* exhorts (13. *Hebr.* 17.) *Obeys them that have rule over you, meaning the Ministers of the Gospel*; now the *Apostle* makes no distinction between *lawful Ministers* and *Intruders*, and yet we must understand it of *lawful Ministers*; and by the same reason, though *St. Paul* makes no distinction between *lawful* and *unlawful Powers*, yet he means only *lawful Powers*; for this is the force of his Argument, though he has not expressed it.

But these Cases are by no means parallel. For the *Apostle* to the *Hebrews* had no reason to make any such distinction, which yet was necessary for *St. Paul* to have done, had he intended his Precept of Obedience, should be understood only of *lawful Powers*.

The *Apostle* to the *Hebrews* knew, who had the rule over them at that time, that they were *lawful Ministers*, and exhorts the *Hebrews* to obey them; and had he added such a distinction, it would have insinuated, that he knew some among them, who were not *lawful Ministers*, and such a Suggestion without naming the Persons, would have made them jealous of them all, and spoiled his Exhortation of obeying them: The *Hebrews* knew whom *St. Paul* meant by those, who had the Rule over them, *St. Paul* knew, they were such as ought to be obeyed; and therefore there was no need here of any distinction between *lawful Pastors*, and *Intruders*. But *St. Paul* gives a general Charge to be subject to the *higher Powers*, and generally affirms, that *all power is of God*, and therefore if he had not intended, that we should understand this as universally as he expresses it, of *all Powers*, however they came by their Power, he should have limited it to *legal* and *rightful Powers*.

He adds, *In short, the Dr's Reason is against him. There has ever been a distinction in the World between Legal and Usurped Powers, and 'tis probable enough that St. Paul (who was so learned a Man) knew it, and if he had intended to enjoin Obedience to Usurped Powers, 'tis probable he would have said so in express terms, but since he never said so, we have reason to conclude he never intended it.*

Now I doubt not but *St. Paul* did know this distinction between *Legal* and *Usurped Powers*, and knew also, that the *Pharisees* made this Objection against their Submission to the *Romans*, and for that reason he affirms, that *all power is of God*, and that they must be subject to the *Higher Powers*, without any distinction; which he would not have done, if any distinction ought to have been made; when he knew the dispute was about the *Romans*, whom they look-

ed upon as Usurpers over *Israel*, who were God's peculiar People and Inheritance: and yet though there was a distinction between Legal and Usurped Powers, there was no distinction made in point of Obedience to them, but only by the *Pharisees*; and therefore with respect to the rest of the World, he ought to have made this distinction in express words, if he intended any distinction should have been made.

Postscript
P. 13.

I have insisted the longer on this, because it gives a full Answer to his next Objection; that the Interpretation I give of the *Convocation Book*, justifies an unreasonable and impious Doctrine, by making the *Acts* or *Permissions* of Providence a Rule for practice, against Right and Justice. Now this, I confess, is a very unreasonable and impious Doctrine, and were I sensible, that any thing I have said, would justify this Doctrine, I would immediately renounce it; but I hope when our *Author* considers again, that I have evidently proved, that the Interpretation I have given, is the true Sense of the *Convocation*, he will be more favorable to it, for their sakes. But I have already stated this matter about Right and Justice, and have shewn the difference between the Right of private Men to their Estates, and of Princes to their Thrones, and to the Allegiance of Subjects; between a Thief's taking a Purse, and an Usurper a Crown, by the Providence of God; between the Providence of God in such matters, as he refers to the Correction and Redress of publick Laws, and publick Government, and what he reserves to his own cognizance and disposal, as he does the Revolutions of Government, the removing Kings, and the setting up Kings.

The truth is, our *Author* writes at that rate, that it is to be feared, some People will suspect, that he does not believe a Providence, or does not understand it, or has a mind to ridicule it. For let me ask him, does God make Kings in *England*, or not? if he does (which I hope our *Author* will grant, or he renounces the *jure divino* with a witness) how does he make Kings? He sends no Prophets among us to anoint Kings, and to tell us, whom he has nominated to Reign over us, and therefore he can make Kings no other way among us, but by the Events of Providence: and how does God make Kings by his Providence? truly this can be done no other way, but by placing them in the Throne, and settling them there with the general Consent and Submission of the People: does then this Providential Settlement in the Throne, which makes a King, invest such a King with God's Authority?
if it

if it does not, then it seems God makes a King without giving him his Authority, makes a King without any Authority to govern, which is a Contradiction; if he does, does not this make it the duty of Subjects to obey such a King? Are not Subjects bound to obey such Kings, as have God's Authority?

Again, suppose a Prince ascends the Throne, and obtains the Consent and Submission of the People, by the most unjust force, and the most ungodly Arts, that can be thought on, who places such a Prince on the Throne, if God don't? Our *Author* according to his Principles must answer, that by God's Permission he Usurps the Throne, but is no King, much less a King of God's making. Well, let him call him King, or Usurper, or what he pleases, but it seems a Prince may ascend the Throne, and govern a Kingdom for many years (it may be a hundred years, for so long a Prescription our *Author* requires to give a Just Title to an Usurper) without God's Authority; and then I desire to know, whether God Rules in such a Kingdom, while an Usurper fills the Throne; The reason of the question is plain, because the Prophet *Daniel* pronounces universally, *that God ruleth in the Kingdom of men*, and as a proof of it adds, *and giveth it to whomsoever he will*, and then it should seem, that God does not Rule in these Kingdoms, which he does not dispose of by his own Will and Counsel, which he does not give to whom he will, but suffers Usurpers to take the Government of them. For indeed will any Man say, that God governs such a Kingdom, as is not governed by his Authority, or Minister? Does Providence and Government signify only his Permission? that God looks on, and sees Men snatch at Crowns, and take them, and keep them, and exercise an Authority, which he, who is the universal Lord of the World, never gave them? To resolve Providence into a bare Permission, especially in matters of such vast Consequence, as the disposal of Crowns, is to deny God's Government of the World.

But it is objected, that to say, that Prosperous Usurpers, when they are settled in the Throne, are placed there by God, and have his Authority, is to make God a Party to their Wickedness. Now this is another Argument, not merely against God's making Kings, but in general against God's Providence and Government of the World: for if God cannot direct and over-rule the Wickedness of Men to accomplish his own Wise Counsels and Purposes, without being the *Author* of those Sins, whereby such Events are brought to pass, there is an end of the Providence of God, or of his Holiness

ness and Justice; for the most glorious designs of God's Grace and Providence, have been accomplished by very wicked means, even the Crucifixion of our *Saviour* himself.

But to confine my self to our present Case of transferring Kingdoms and Empires, as it was in the four Monarchies. It is possible this may sometimes be done by very honest means, but it is commonly done by great Injustice and Violence in Men, and yet God very just and righteous in doing it.

No Man, I suppose, will deny, but that God, as the Supreme Lord and Sovereign of the World, may give the Kingdoms of the World to whom he pleases, without doing Injustice to any Prince, who can have no Right but by his Gift: No Man will deny, but that God may be very just and righteous in removing some Princes from their Thrones, and in setting up others: And then the Translation of Kingdoms, the pulling down one Prince, and setting up another, is no act of Injustice with God; but is his Prerogative as the *King of Kings*, and when it is done for wise, and holy, and just Reasons, (as we ought always to presume of what God does) is a plain Demonstration of the Wisdom, and Holiness, and Justice of his Providence.

The only dispute then can be, about God's bringing such Events to pass by the Wickedness of Men; and what hurt is there in this, if God can so over-rule the Ambition of Princes, or the Faction and Rebellion of Subjects, as to do that in pursuit of their own lusts, which God for wise and holy Reasons, thinks fit to have done: It cannot be denied, but that God does permit Men to do very wickedly, and if he can permit the Wickedness of Men without being guilty of their Sins, I hope to direct and over-rule their Wickedness to wise purposes, to bring Good out of Evil, and Order out of Confusion, can be no blemish to Providence. Indeed I should be much puzzled to justify the Divine Providence, in permitting the Sins of Men, especially such Sins, as do great mischief to the World, were I not very well satisfied, that God over-rules all to wise and good Ends.

Let us suppose an Ambitious Prince spurred on with Fame and Glory to grasp at an Universal Empire; our *Author* will not say, but that God may permit this Man, to ravage and depopulate Countries, to pull Princes from their Thrones, and to bring their Kingdoms into Subjection to himself: such Men there are in all Ages, did not God think fit to restrain them, and to sling Difficulties in their ways to make them tame and quiet. Now I would

ask

ask any Man, which most becomes the Divine Wisdom, to suffer such Men when they please to overturn Kingdoms, and to bring horrible Desolations on the World, only to gratifie their own Lusts; or to give the Reigns, and to give prosperous Success to them, when he sees fit to new model the World, to pull down such a Prince, or to chastise and correct such a Nation: I am sure this much more becomes the Wisdom and Justice of Providence, than a bare permission of such Violence, without any farther design, which does not become the Wise Governor of the World. And if God may permit such Wickedness and Violence without contributing to their Sin, or being a Party to their Wickedness; much more may he over-rule their Wickedness for wise Ends, make them the Executioners of his Justice in punishing a wicked Age, and transferring Kingdoms; and then why may not God give them those Kingdoms, which he has overturned by them? for I suppose, it is as agreeable to the Sovereignty, Wisdom and Justice of God, to give a Kingdom to a violent Usurper, as to suffer a wicked, impious, tyrannical Prince to ascend the Throne, with a legal Title: and yet this God often does, witness many of the *Roman Emperors*, whom I know our *Author* will have to be legal Princes; and those who will not allow them to be legal Princes, need not want Examples of this nature in Hereditary Kingdoms.

But our *Author* says, that to own an Usurper, who is settled in the Throne by Providence, and to obey and submit to him as our King, justifies an unreasonable and wicked Doctrine, by making the Acts or Permissions of Providence, a Rule for practice against Right and Justice; as for his Right and Justice, it has been considered already, let us now consider how far the Providence of God may be the Rule for practice.

It is indeed an impious Doctrine to justify every Action, and every Cause which has success; God many times prospers very evil Designs, when he can serve a good End by them; and therefore to measure the good or evil of things by external success, to conclude, that is God's Cause, which the Providence of God prospers, confounds the difference of good and evil, and destroys all the standing Rules of Right and Justice: but yet it is so far from being an impious Doctrine, that it is a necessary Duty, to conform our selves to the Divine Providence, and to discharge those Duties and Obligations, which the Providence of God lays on us, according to the Nature and Intention of the Providence: and thus the Providence of God in some sense may be the Rule of our Practice,

Practice, and may make that our Duty, which was not, and that cease to be our Duty, which was our Duty before: and thus it always is when the Providence of God changes our Relations, or Condition of Life; as to mention only our present Case, when he removes one King, and sets up another; for he must transfer my Allegiance, when he changes my King.

The truth is, as far as I can perceive, the great, if not the only fault of my Case of Allegiance, is this *unreasonable and impious Doctrine* of Providence: for some Men cannot endure to hear, that God makes Kings by his Providence, for that argues there is a God; others cannot bear the thoughts, that Kings Reign by God's Authority, for then they cannot make and unmake Kings, as they please; others will by no means allow, that the Providence of God can make a King against the Laws of the Land, can remove a rightful King, and set up a King without a legal Title, at least not without the death or cession of the rightful King, or a hundred years Prescription; but to say, that the Providence of God gives his Authority to a King *de facto*, who is settled in the Throne; this is an *impious Doctrine*.

So that had I left out Providence, I might have had fairer quarter on all hands, though in effect the thing had been the same, and I had taught the same thing, *viz.* that when a rightful King is dispossessed, Subjects may own and submit to the King, who is settled in the possession of the Throne, which is all I undertook to prove.

Had I only said, that Conquest in a just War, by the Law of Nations, gives a Right to the Conqueror, though the former King be alive, and has made his Escape. Had I only said, that unjust Force and Violence makes it lawful for Subjects to submit, when the Prince cannot protect them, and such Submission and Consent of the People settles a Prince in the Kingdom, I might have escaped very well, as others have done.

Or had I only said, that the Laws of the Land allow and require Subjects to pay Allegiance to a King *de facto* in possession of the Crown, most of our *Non-swearers* themselves would have allow'd this a good Plea, could I have persuaded them it was true; for the Laws of the Land they must allow to be the rules and measures of our Allegiance.

But now to add, that God by all these ways and means makes Kings, and settles them on their Thrones, and gives his Authority to them, this spoils all, and is an *impious Doctrine*: that is, any of these

these waies will make very good Kings without God; but it is a very wicked thing to say, that God makes them Kings, or gives his Authority to them: For it is a dangerous thing to allow, that God makes Kings, or that Kings have his Authority, or that the Providence of God does not barely permit, but Govern all the Changes and Revolutions of the World.

But I had learnt from Scripture (and *B. Overal's Convocation Book* proves, that those learned Men were of the same mind) that Kings are made only by God, and that it is God's Authority, which makes them Kings; and therefore I could not think it enough to say by what visible means Princes are advanced to the Throne, without adding, that the Providence of God by these means settles them in the Throne, and gives his Authority to them, on which the true resolution of Conscience depends in all such Revolutions: And if this be my only fault, that I assert the Right and Prerogative of God in making Kings, and the Wisdom and government of Providence in all the Revolutions of States and Empires, I am contented to suffer obloquy and reproach for maintaining such *Impious Doctrines*.

Our *Author in his Answer* has another Argument to prove, that we misrepresent the Sense of the *Convocation*, which he has thought fit to leave out in his *Postscript*, viz. That the Interpretation we *Ans.* p 21, give of it, is inconsistent with the main and Fundamental Doctrines 22. of the *Convocation Book*, viz. *Passive Obedience and Non-resistance*.

But if the *Convocation* taught both (as they certainly did) it is a sign, that whatever our *Author* thinks, or whatever he can prove, the *Convocation* did not apprehend any inconsistency between them. I observed in the Case, that the Doctrine of Obedience and Allegiance to the Present Powers, is founded on the same Principle with the Doctrine of Non-resistance and Passive Obedience, viz. *leg.* p. 36. That God makes Kings and Invests them with his Authority, which equally proves, that all Kings who have received a Sovereign Authority from God, must be Obedied, and must not be Resisted: And therefore all settled Governments, as the *Convocation* asserts, having their Authority from God, must be obeyed, for the same reason, for which we must not resist Sovereign Princes, viz. because they have their Authority from God; but this our *Author* thought fit to pass over.

For it is a plain Case, that *Non-resistance* and *Passive Obedience*, can be due only to him who is our King, and if God can remove one King, and set up another, *Non-resistance* must be Due, not

not to the King, whom God has pulled down, but to the King whom God has set up; and therefore he may harangue as long as he pleases upon this Argument to no purpose, unless he can prove, that God hath not pulled down one King and set up another.

His next Argument against this Interpretation of the *Convocation Book* is this: That it reproaches the Virtue and Loyalty of those admirable Men, who Suffered between the Years 42. and 60. And therefore this cannot be the Sense of the *Convocation*; for no doubt the *Convocation* in 603. had great regard to the Loyalty of those who Suffered between 42. and 60; by a Spirit of Prophecy I suppose.

And here our *Author* grows very angry, both in his *Answer* and *Postscript*, and gives many hard and spiteful Words to his Adversaries, but be that to himself, I am resolved not to be angry.

This I answered at large in the *Case of Allegiance*, (p. 46. &c.) and shall now take a brief review of it.

I said, it is a great Prejudice but no Argument; for if these Principles be true, and according to these Principles they might have complied with those Usurpations, that they did not, is no confutation of the Principles.

Post. p. 14. He answers, I thought an Argument from Example had been an Argument, though not always a very good one; Right! but Example is only a Prejudice, not an Argument against plain Reasons, which cannot otherwise be answered; let Reasons be first answered, and then when there is no Reason against a thing, the Examples of great and wise Men without any other Reason carry some Authority with them: especially when we have other good Reasons for doing any thing, Example gives some new strength to them; and thus the Example of *Jaddus* may be an Argument, when other Examples are none: though he knows the Example of *Jaddus* was alledged by me only to prove the sense of the *Convocation*, and how *Jaddus* himself understood his Oath of Allegiance to *Darius*, which is a very different Case from what he urges.

But to let pass his transport of Zeal, and to forgive the froth and folly of it, when he urges the Examples of these great Men, there are many things he ought to have considered.

As 1. He should have considered whom he reproach'd in all this as well as whom he commended. He reproaches all those, who in those times of Confusion submitted to the Usurped Powers, and lived quietly and peaceably under them, and yet the King found a great many true Friends, and Loyal Persons, at his
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return among those Men: He reproaches all those Loyal Persons both of the Nobility, Gentry, and Clergy, who suffered chearfully under those *Usurpations*, and as chearfully comply with the present *Revolution*, which, as I observed before, is an Argument, that they make a great difference between these two Cases: But if as our *Author* argues, to justify our present Submission and Compliance be to reproach those *Worthies*, who suffered for their King in that horrid Rebellion and Usurpation; then he must upon his Principles accuse those *Worthies*, who suffered for their King then, with falling from their Loyalty, by their present Compliance. He reproaches all the Nobility, Gentry, and Clergy, who have now Sworn Allegiance to their present *Majesties*; and tho the Clergy, he says, are only a Company of *Weather-Cock Divines*, and therefore it is no great matter for them, yet I doubt the Nobility and Gentry will not take it well from him, to be thought *Weather-Cocks*, or less Loyal, than those who suffered for K. Charles were. And if it moves our *Author's* Indignation to see the *Worthies* of the World, and of our Church mocked, and diminished, and represented as Fools and Knaves (which no body has done but himself) a much cooler Man than he is, may be a little moved, if not with Indignation, yet with Contempt, to see all our present *Worthies* in Church and State so maliciously libelled.

24. If our *Author* will argue from Examples, he ought not only to consider what was done, but upon what Principles they did it, whether they were all of our *Author's* mind, that it is absolutely unlawful in any Case whatsoever, to submit to a Prince, who is possessed of the Throne, while the legal King, or his true Heir is living, tho dispossessed. It is probable some few might be of this mind; but that this was their general sense, can never be proved; and that it was, is very improbable; for it was neither the Doctrine of the Church, nor the Law of the Land: And yet if our *Author* cannot prove this, he proves nothing to his purpose; if they did not act upon his Principles, though they suffered for their King then, they might have complied now, as some of them have done, and yet don't think they have recouced the true Principles of Loyalty by it.

25. When he resolved to argue from Example, he should have carefully considered, whether there are not more and greater Examples on the other side, whether supposing the Case to be as he represents it, there be any thing like it in all Story, either sacred or profane, whether both *Jews* and *Christians* did not always submit to the present Powers, when the Government was

settled by what wicked means soever it began: But I shall not enter upon this Argument now, which will be managed by a more learned Pen.

I shewed what a vast difference there was between the late times of Rebellion and Usurpation, and this present Revolution; this he cannot deny, but says, it makes no difference in the Argument; let us then try that.

But to state the matter so plain, that our *Author* himself, had he never so much mind to it, shall not be able to mistake or misrepresent it, I must first premise, that they are two very different Questions, as I have observed above, When it is lawful to submit to Usurping Powers? and, When it becomes a Duty to do it? It is lawful to submit, when we are under such force as can compell us; it is our Duty to submit, when, as the *Convocation* says, the Government is *thoroughly settled*; now while we are in this state, that we are under mere force, but the Government not settled, we may either submit or not submit without Sin; and then that which must turn the Scale, are Arguments from Interest.

Now, what I said upon this occasion in the Case of Allegiance, had reference to both these, *viz.* That Subjects were not in those days bound in Conscience to submit to these usurped Powers, and not being bound in Conscience to do it, there were many reasons which might move the Royal Party not to do it.

Now this is so far from lessening and reproaching their Loyalty, that it is greatly for the Commendation of it; that when they were not bound in Conscience to submit to those Usurpations, tho by Submission, our *Author* intimates, they might have made better Terms for themselves, yet they rather chose to venture their Lives and Fortunes to restore the King, which is not, as our *Author* insinuates, to prefer their Interest to their Conscience in serving the King; but where Conscience was not concerned to the contrary, to venture their Interest, their Lives and Fortunes, to restore the King. Tho Men are but Men, and if what I said be true, that there were many Reasons which touched their Interests, why they should not submit to those Usurpations; I cannot see what Dishonour it is to them, to say that it may be supposed, that the utmost Despair under a violent Usurpation, and the only possible prospect of bettering their Condition by the return of the King, might, not influence their Consciences, but inspire and quicken their Loyalty.

Now that they were not bound in Conscience to submit to those Usurpers, I proved, because their Government was never settled; and

and tho the *Convocation* does not deny the lawfulness of submitting to Power before a Settlement, yet they do not make it a necessary Duty, and matter of Conscience to submit, till the Government is thoroughly settled.

The *Convocation* alledges two ways, whereby a Government wickedly and unjustly begun, may be thoroughly settled, viz. By a general Submission, or by Continuance; that they had not continuance enough to make a Settlement, I proved, because the Government was frequently changed and new modelled, which was no Argument of Settlement; and as for Settlement by a general Submission, they could not pretend to that, for they never had a National Consent and Submission.

That they had no such National consent, needs not be proved to any Man, who remembers the story of those days. I suppose no man will pretend such a consent to the Government of the *Rump-Parliament*, when all the Representatives of the Nation were hung out of the House, excepting those few *Rumpers*, because they would not consent.

Nor will it be pretended that *Cromwell*, Dissolving the *Rump-Parliament*, and summoning some select Persons out of every County, nominated by himself and his Council of Officers, without any Election of the People, to be the Representative of the Nation, had a National consent: Nor had the Council of State chosen by this Mock-House of Parliament, any greater Authority than their Masters; nor did their Resignation of their Power to *Cromwell* again give any Authority to him, or carry a National Consent with it.

Nor will it be pretended, that the *Instrument of Government*, agreed on by *Cromwell* and his Officers, which made *Cromwell* Lord Protector of the Three Nations, had any National Consent: It is plain, it had no National Consent in framing it, and it is as plain, that it was never afterwards confirmed by any National Consent and Submission.

The *Parliaments* called according to the directions of this *Instrument*, never could make a National Consent or Submission; for they were not chosen according to the ancient Customs and Uages of the Nation, nor were they the Representatives of the Nation, but only of a prevailing Party and Faction in it; for by Article 14. it is provided, That all and every Person and Persons, who have aided, advised, assisted, or abetted in any War against the Parliament, since the first day of Jan. 1641. (unless they have been since in the Service of the Parliament, and given signal Testimonies of their

Whitlock's Memorials, p. 555.

good Affections thereunto) shall be disabled, and be incapable to be elected, or to give any Vote in the Election of any Members to serve in the new Parliament, or in the three succeeding Triennial Parliaments. So that a great part of the Nation were hereby wholly excluded from choosing, or being chosen Members of Parliament: When they were thus chosen, this Election did not make them Parliament-Men, unless they were approved of by the major part of the Council, to be Persons not disabled, but qualified as aforesaid. Artic. 21. When they were thus chosen and approved, they had no Authority to reject this new Model, but it is provided, Art. 12. That the Persons elected shall not have power to alter the Government, as it is hereby settled in one single Person and a Parliament.

Ibid.
p. 587.

The first Parliament met Sept. 3. 54. and began to be very busie about the new Government, but the Protector sent for them to the Painted Chamber, and taught them better, that the same Government that made them a Parliament, made him Protector, and that as they are intrusted with some things, so is he with other things. That there were some things in the Government fundamental, and could not be altered (tho this Instrument had no other Authority but his own, and his Council of Officers) as 1. That the Government should be in one Person, and a Parliament, — and therefore he was sorry to understand that any of them should go about to overthrow what was so settled, (it seems then this Parliament at the beginning was so far from giving their Submission and Consent, that they were about to overthrow this new Settlement) and to prevent such great Inconveniencies, he was necessitated to appoint a Test, or Recognition of the Government, which was to be signed by them, before they went any more into the House, and it was this,

I A. B. do hereby freely promise and engage my self to be true and faithful to the Lord Protector, and to the Common-wealth of England, Scotland, and Ireland, and shall not (according to the tenor of the Indenture whereby I am returned to serve in this present Parliament) propose or give any Consent to alter the Government, as it is settled in one single Person and a Parliament. That day 130 Members subscribed it, and took their Places in the House, how many more did afterwards is not said.

Ibid.
p. 600.

And yet this very Parliament spent near five Months in their debates about the new Government, and the Protector was glad to dissolve them at last; and this does not look like a National Submission and Consent: especially considering the Plot, which was ready to break out upon it, and the Declaration of the free and well-affected People of England, now in Arms against the Tyrant Oliver Cromwell. In

In the *second Parliament Sept. 1656.* many Persons who were returned by the Country for Members were not admitted into the *House*, as not approved by the *Council*, which occasioned their publishing a *Remonstrance*, subscribed by near one hundred of them, *Ibid.* the reading of which will satisfy any man, how far that new Government was from having a National Consent and Submission. But this is enough for my present purpose, to shew that those Usurpations were never settled by a National Submission and Consent, but all the settlement they had was mere force: and now let us hear what our *Author* says to this.

As for the Governments being frequently changed, he says, every one of these changes was a settlement, if the *Dr's* notion of a settlement be right: but it is plain according to my notion none of them were settlements; for none of them had the general Consent and Submission of the People; and though the Power of the Nation was for some time in their hands, the continuance of none of these changes was long enough to make a Settlement by Prescription without Consent.

He adds. But as the National Consent in Parliament, that is indeed part of our Constitution, but what is that to Usurpation, which may Usurp as well upon all Branches of the Constitution as upon one. But I do not urge a National Consent in Parliament, considered as part of our Constitution, but barely considered as a National Consent, for a National Consent and Submission is necessary to the settlement of any new Government, and this must be declared by one means or other. The Consent of a Parliament freely chosen by the Body of the People, must be allowed to be a National Consent, and that Consent the present Government has: but where there is no Consent in Parliament, in a Nation which never gives their consent any other way but by their Representatives, when a Government dares not call such a Parliament, nor ask their consent, or if they do ask, are denied it; it is evident there is no National Consent. What he says indeed is true, that *bad Cromwell* possessed himself of the Authority of Kings, Lords and Commons; had he been settled in this Possession by the general Consent and Submission of the People; he had had God's Authority in all those respects, and ought to have been obeyed; but without such a Consent, though the People might for a while have silently submitted to Power, they were at liberty to cast off the Yoke, when they had power and opportunity to do it. This is my Notion of a thorough Settlement, to which he appeals; and let any Man try, whether (as he says) it will fit *Cromwell* in all respects, just as if it had been made for him, viz. When the whole

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Administration of Government, and the whole Power of the Nation is in the hands of the Prince, when every thing is done in his Name, and by his Authority; had I added no more, the Author might have pretended, that the Government of the Rump-Parliament, and of Oliver Cromwell had this Settlement, but what follows spoils this Conceit, when the Estates of the Realm, and the great Body of the Nation has submitted to him.

So that here was no such Settlement of these Usurpations, as could oblige Subjects in Conscience to obey them and to submit to them; and when it was not matter of Duty and Conscience to submit, I shewed that there were other very great Reasons, why they should not submit; not such Reasons as ought to have overruled their Consciences, had it been matter of Duty, for there are no such Reasons to be had, but such as were very reasonable and almost invincible Prejudices against Submission, when Conscience was not concerned; and this answers all his little Objections.

As, 1. *The great Villanies of those days in an open and bare-faced Rebellion—and in the barbarous Murder of one of the best Princes in the World—this, he says, makes no difference in my Arguments. What! not to prejudice wise and good Men against all Compliances? For who that could possibly avoid it, (that is, where strict Duty does not oblige, nor irresistible Force constrain) would submit to such Men?*

2. *The barbarous usage the Kings Friends met with. This he confesses makes some difference in point of Interest, but none in point of Conscience; nor did I say it did, but it justly created a great Aversion to those Usurpations, and was a reason not to submit, when they were not obliged in Conscience to do it, since all the Interest they had in the World engaged them, not to settle by their Submissions, but to do all they could to overturn those Usurpations.*

3. *The Church of England was overturned, Bishops, Deans, &c. turned out, and their Lands and Revenues sold; the Loyal Clergy were Malignants for what they had done, and had no way to keep their Livings, but by renouncing the Church of England.*

To this he answers; *the Case is concerning Civil Government, not Ecclesiastical. But yet whoever loves the Church, will not chuse to submit (when they are not obliged in Conscience) to such Usurpations on the State, as overthrow the Church: Whether they were obliged to renounce Episcopacy or not, they saw it destroyed, and not so much as an Indulgence allowed to the Worship or Government of the Church of England. What he adds, I would desire him carefully to consider, for it did not concern*

concern them ; that to be disabled to keep a Living, though a very good one, is no reason to rebel against a settled Government. 4. The whole Government in Church and State was overturned, which was the fundamental Constitution of the Nation ; but this, he says, is only changing the form of Government, as the Dr. knows the Convocation says, when such degenerate forms of Government are thoroughly settled. I grant it, but when such degenerate forms of Government are not thoroughly settled, the subversion of the fundamental Constitution of the Nation, is a reasonable prejudice against submission, when it is not a duty.

His parting Objection is so very ridiculous, that had he begun with it, I should have thought he had only intended it for a jest, but I am now so well acquainted with his way of reasoning, that I am satisfied, he is capable of thinking it an argument ; and it is this. *If possession of Sovereign Power contrary to Law, be God's Authority, and ought to be obeyed, then whatever Sovereign Power a Prince possesses himself of, is likewise God's Authority, and ought to be obeyed.*—If therefore a Prince in a limited Monarchy resolves to be arbitrary—to make his will the Law, and to exercise an Illegal Power, he must be obeyed as Gods Authority. Postscript
p. 15.

But where do I say, that possession of Sovereign Power contrary to Law is Gods Authority ? He does not pretend, that I say it in express words, but this he supposes is the sense of what I say : But I desire he would keep to my words, for I will answer for none of his senses, unless I were better satisfied both of his understanding and honesty. I say indeed, that a Prince who is settled in the possession of Sovereign Power, though he have no legal Title to the Crown, has God's Authority ; and what then ? therefore the possession of Sovereign power contrary to Law is God's Authority ; how does this follow ? cannot God settle a King upon the Throne without a legal Title, but he must be presumed to give him Authority, when ever he has power, to govern by an Arbitrary will, against the Laws of the Land ? cannot God make a King, without giving him Authority to do all that he has power to do ?

But the formal reason of obedience to such a Prince is because he hath God's Authority, and the evidence that he hath God's Authority, is because he is possessed of Sovereign Power. Suppose this, though God's Authority be the formal reason of our obedience to a Prince, yet it is not the Rule of our obedience, and therefore we are not bound to obey every thing he commands, though he have God's Authority.

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The Authority of God is only an Authority to govern according to the Laws of God and Nature, or the Laws of the Land; and tho Sovereign Princes may have such an Authority, as must not be resisted, yet in a limited Monarchy they have no more Authority from God to transgress the Laws of the Land, than in an absolute Monarchy they have to transgress the Laws of God and Nature. Indeed *Arbitrary Government* is not the possession of *Sovereign Power*, which is *God's Authority*, but the arbitrary *Exercise* of it: And tho we must obey God's Authority, it does not hence follow, that we must obey the Exercise of Arbitrary Power.

And yet I do not attribute Gods Authority (which we must obey in Conscience) to the bare possession of Power, but to the *settled* possession of it; that is, with the Consent and Submission of the People; and could any Prince change a limited into an absolute Monarchy by a National Consent, Subjects were then as much bound in Conscience to submit to an arbitrary Power in all matters, which have no moral evil in them, as they are now to obey the Laws; but then this would not be an Authority against Law, but the Law would be changed: Thus it is not yet, and we are in no danger now it should be so; and therefore the Case of the *Declaration*, and of *Magdalen-Colledge, &c.* are very impertinently alledged by our *Author*, and he had better reserve them, till he can bring us under the Government of a *French Power*.

But do not I say, *That when the Laws of the Land contradict the Laws of God, they are no Rule to us, but their Obligation must give place to Divine Authority.* He should have cited the whole, *That the Laws of the Land are the Rule of Conscience, when they do not contradict the Laws of God; but when they do, they are no Rule to us.* So that the Laws of the Land must be the Rule of our Obedience to Princes, unless they contradict the Laws of God, and I do not know that any of our Laws do that, and then there is no danger in a limited Monarchy, that we should be obliged by God's Authority to obey Arbitrary Will and Power.

It is a certain truth, as our *Author* must confess, that *if the Laws of the Land contradict the Laws of God, they are no Rule to us.* But this proves nothing in particular, without proving what Laws of the Land are contrary to the Laws of God: If then he can prove, that by the Law of God, we are bound to obey the Arbitrary Will of the Prince against the Laws of the Land, whenever he will command things against Law, and has power to *crush us*, if we will not obey, I will readily grant, and so must he, that it is our duty to do it; but till he prove this, he must not take it for granted there is such a Law, and then

then we need dispute this matter no further at present. But what he means by this Argument I cannot tell; if he does think, there is such a Law of God, I suppose he intended in good earnest to prove, that we must submit to the Arbitrary Will of our Prince against Law, and to condemn the opposition that was made in the late Reign to such Arbitrary Proceedings; if he did not believe there was any such Law of God, how ridiculous was it to pretend, that we must submit to Arbitrary Will and Power against Law, because *when the Laws of the Land contradict the Laws of God, they are no Rule to us.*

I shall only observe farther, that our *Author* charges me with saying in the Case of Resistance, that this may easily be (that a Prince in a limited Monarchy should resolve to be arbitrary) *when he has all the Power of the Kingdom in his hands, and must not be resisted.* Whereas I bring this in by way of objection against Non-Resistance, and only say, it is possible, but shew by several Arguments how difficult it is, and that the Doctrine of Non-Resistance does not destroy the distinction between a limited and absolute Monarchy: But at this rate he uses to cite *Authors*, that unwary Readers will easily be imposed on, if they give too much credit to him.

Thus I have particularly answered all the little appearances of Reason and Argument in the *Postscript*, and made it appear, that according to the Sense of the *Convocation*, those Princes who have no legal Right, may yet have God's Authority, and have so, when their Government is thoroughly settled. And now had been the proper time to enquire what the *Convocation* meant by a *thorough Settlement*; but he did not like this order, and therefore chose to begin with the Notion of *thorough Settlement*; for when once it had appeared, that the *Convocation* spoke of the settlement of illegal Powers, he must have been ashamed to have pretended, that they meant a legal Settlement, by acquiring a new legal Title, either by the death or cession of the right Heirs, or by a long Prescription.

I shall only add, that when the *Convocation* speaks of a Settlement, they mean the Settlement of the Government *within it self*, not with respect to foreign Force and Power; for so they express it, *when they have established any of the said degenerate Forms of Government amongst their own People*, and then the Government may be thoroughly settled within it self, before it have a peaceable Possession and Settlement; so *Alexander's* Authority was settled at *Jerusalem*, before *Darius* was finally conquered; and so are *K. William* and *Q. Mary* settled on the Throne, notwithstanding all the expectations some have of a *French* Invasion and Conquest.

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And since our *Author* insists so much upon a legal Settlement, Possession of the Throne, with the Consent and Submission of the *Estates of the Realm*, gives a legal Settlement in *England*, if we will believe our best *Judges* and *Lawyers*, as I shall be inclined to do, till I see a fair Answer to what I have said in this Cause, in the *Case of Allegiance*; and then we have the opinion of our *Lawyers* for a Settlement, and of the *Convocation* for Obedience to a settled Government.

Answer,
p. 27.

For the Conclusion of his *Answer*, he alledges the Authority of Bishop *Andrews* and Bishop *Buckeridge*, two Members of this *Convocation*, and of Dr. *Jackson*, a very learned Divine, against that sense we give of the *Convocation*. The thing then he is to prove from these reverend and learned Men against our sense of the *Convocation* is this, that those who ascend the Throne by Usurpation without a legal Right have not God's Authority, and must not be obeyed; and that such Princes can never, in the sense of the *Convocation*, be settled in their Thrones, or have God's Authority, till they gain some new legal Right, by the *Death or Cession* of the rightful Prince, or by a *long Prescription*: Let us see then, how he proves this to be the judgment of these Learned Men.

Now what he quotes from B. *Andrews* has not one word of this matter. The whole of it is no more but this; that the Bishop will not allow the Name of *King* to any but *Kings of lawful and true descent*; they are *Kings*, tho they reign not, as *Joash* was; others are no *Kings*, but *Usurpers*, tho they reign, as *Athaliah* did; and what is this to the purpose? Does not the *Convocation* allow *Joash* to be the true Heir, while he was kept from the Crown, and *Athaliah* an Usurper, tho she reigned Six Years? Does not the *Convocation* call such *Kings*, *Kings de facto*, which is a little softer Name than *Usurper*, but signifies much the same thing, viz. *One who is possessed of the Throne without a legal Right*? And yet what the *Convocation's* Doctrine was about Obedience to such *Kings*, I have already proved; and Bishop *Andrews* might be of the same mind, tho he would not allow them the Name of *Kings*.

But the *Bishop* will not allow, that such *Kings* reigned by God's Right; but then he does not mean, that such *Kings* do not exercise God's Authority; but that God did not by his antecedent Will and Appointment place them on the Throne. Thus S. *Cbrysostom*, on the 13. *Rom.* allows all Power and Authority to be of God, and to be ordained by God, and therefore not to be resisted, whoever has it; but yet will not say, that all Princes, who exercise this Power wickedly and tyrannically, whatever their Title be, are ordained of God: He thought it a Reproach and Blemish to the goodness and justice of Providence,

Providence, to say, that wicked, impious, tyrannical Princes were ordained by God, but yet granted that the Authority they exercised was Gods, and must be obeyed: The *Bishop* and others will allow what *S. Chrysostom* would not, That the most wicked Tyrants, who have a legal Title to their Thrones, are ordained by God, but are afraid to own, that Princes who ascend their Thrones by unjust and wicked means, are set up by God; but it does not hence follow, that they denied their Power and Authority to be Gods, or that Subjects ought to obey it. The *Convocation* it self affirms no more, in that mighty place, as our *Author* calls it, than that the Authority which is exercised in those Governments, which begun by the Ambition of Princes, or the Rebellion of Subjects, is always God's Authority, and therefore can receive no impeachment by the wickedness of those who have it, and therefore must be obeyed. So that Learned Men may differ in this Point, whether illegal Usurpers are placed on the Throne by the over-ruling Counsels and Appointment of God, or only by his permissive Providence, and yet agree in the main Conclusion, That the Authority they exercise, when settled in their Thrones, is God's Authority, and must be obeyed.

We have a very express Determination of this matter by Doctor *Jackson*, (to whom our *Author* appeals) in that very *Sermon* to which he refers; and tho the Passage be long, it is worth transcribing, and it is this:

"But doth this Rule of our Apostle hold as punctually of the Magistrate, as of the Magistracy? Doth every one which resists the Magistracy, or Men invested with the power of Jurisdiction resist the Ordinance of God as directly, or in as high a degree, as he that resists the Power it self wherewith he is invested; as he that seeks to overthrow the Magistracy? It is the Observation of *S. Chrysostom*, and *Oecumenius* upon this place, that *S. Paul* does not say, There is no Magistrate but from God, or that the Magistrates that be, be ordained of God, but that there is no power which is not from God, and that the powers that be, are ordained of God: That he purposely speaks not of this or that Magistrate in particular, or of the Person to whom the Power is annexed, *sed de re ipsa*, but of the Power it self. But here a Man might well demand of them; is there any Power here meant by the *Apostle*, which is not inherent in some Mens Persons? Is there any Magistracy without a Magistrate? Or how can the Power be resisted, unless the Party be resisted in whom it is seated? And so he goes on to prove that *S. Paul* meant the Magistrate, even *Nero* himself, not merely the Magistracy: So that as Ma-

gistracy, or the power of jurisdiction is from God, and must be obeyed, so must the Magistrate who has this Power. And yet in the next Section he makes a great difference between the *Power it self*, and the *Acquisition or Exercise of Power*, *That our Apostle's Rule doth not so punctually hold of the means or acquisition of Power, or of the exercise of it, as it doth of the Power or Magistracy it self.* Albeit the Power or Magistracy be always **God's positive and primary Ordinance**, always an effect of his gracious Providence, always a Blessing towards any Land or People, or the **Award of his antecedent Will**: Yet the manner of acquiring this Power, or the annexing it to this or that Person, one or more, is not always **the positive Ordinance of God**, no effect of his Bounty and Benignity, no consequent of his antecedent Will, but sometimes rather **the Award of his consequent Will**, and an *Act* at least permissive of his punitive Justice. So that all Princes are not from God, in the same sense that all Power is, but all Princes have that Power, which is from God, and must be obeyed.

His next Testimony is from Bishop Buckeridge, and he speaks exactly the sense of the Convocation, that Athaliah had not acquired a Right to the Crown, neither by the consent of the People, nor by the Prescription of six years, which shews what his judgment was, that such an Usurper as Athaliah, might acquire a Right to the Crown, either by the consent of the People, or by long continuance, as the Convocation asserts in the case of Antiochus, the Bishop I think not with the same reason in the Case of Athaliah; but whether his Application be proper or not, his Doctrine is the same with the Convocation's.

Our Author did well to cite this passage honestly, but he did not well to corrupt it with his Comment, as I observed before; for he turns a Disjunctive into a Conjunctive: the Bishop says *neither by the consent of the People, nor by the Prescription of six years*; which supposes, that either the consent of the People, or a long Prescription would give a Right, and he expounds it of both together, *that a right to the Government is acquired by a Prescription, and that is a long and uninterrupted Possession, joyned with the consent of the People.*

His last Appeal is to Dr. Jackson, and I allow the Doctor does say what he quotes from him, *that a mere Usurper or a Tyrant by Title may be resisted by violence even to Deposition or Death*—Our Author Confesses Dr. Jackson will not allow resistance to be made by every body, but he says it with this qualification, *save in the right and interest of the Right Heir, &c. by his Commission and Command*; where he has turned the Tables, and made a Conjunctive a Disjunctive, *Or for And*, little Particles, which make no difference with our Author: But since he has
not

not thought fit to give us this entire Paragraph, I will do it for him and let the Reader judge, on which side Dr. Jackson is: it is this.

So then a Tyrant or Usurper may be Deposed or Resisted; but thus Resisted or Deposed he may not be by every Man, who knows him to be an Usurper. Pag. 965. For a Man may transgress this Rule of the Apostle, and resist Gods Ordinance, by resisting the Power, wherewith he is invested, though not simply by resisting him (so that an Usurper has that power which is Gods Ordinance, and must not be resisted by every body) *Aliud est Magistratum esse, aliud est in Magistratu esse, aut Magistratum gerere*: it is one thing to be a true and lawful Magistrate, another thing to bear or execute the Office of a true Magistrate. The Acts of a false Magistrate or Intruder, whilst he is in Magistratu, in the Office is self, are of validity (let our Author remember this too.) His Person is to be obeyed, not resisted by every Man, until he be declared to be an Usurper or Intruder by some higher Power or Authority. Few Tyrants have gotten Investiture or admission to Royal Power by more indirect means, than Richard the third in this Kingdom did, yet many Acts and Exercises of Royal Power, though proceeding from him, were legal and of validity. Nor did they resist the Ordinance of God that bore Office under him, that obeyed his Summons, whether for Parliament, or other business of State. (This confutes great part of our Author's Book, and undermines the Fundamental Principles of it.) **It had been a sin for any man of his own private head to have killed him, albeit all the space of his Reign he did resist the Ordinance of God: for every man is not an Avenger of such as resist the Ordinance of God: this belongs to the Higher Powers only, or unto them to whom the Supreme Power is by right annexed. And so Henry of Richmond was Authorized by Gods Ordinance to execute vengeance, or to bring condemnation on this Tyrant, which every one might not have done, which perhaps no other might have done save only in his Right and Interest, and by his Commission and Command.**

Now who ever doubted, but that a rightful Prince, when dispossessed unjustly, may recover his Throne again if he can, and dispossess the Usurper, or that those who lawfully receive Commission from him, may lawfully fight in his quarrel: but the great question still remains, whether Subjects may lawfully take Commissions from the dispossessed Prince, to fight against the Prince, who is settled in the Possession of the Throne; this Dr. Jackson does not say, and therefore he can do our Author no service.

His next citation from Dr. Jackson is the case of Jehoiada's Deposing of Athaliah, urged by the Papists for the power of the Pope to depose Kings. But this he has so shamefully mangled, that a little discretion would

would have taught him rather to have left it out, than to have betrayed so much dishonesty in his quotations, I shall give the Reader the entire passage.

First, Jehoiada in that he was High-Priest, was a prime Peer in the Realm of Judah, and invested with the power of Jurisdiction next in order and dignity to the Higher Power. This our Author leaves out, though very material, because it shews by what Authority he did it, as the Ordinary Supreme Magistrate in the vacancy of the Throne; that is, not merely in right of his Priesthood, as the *Papists* pretended, nor merely as a Subject, but as being the Higher Power and Authority, to whom the judgment of such matters belonged, as he had observed before. And this is the very account the Convocation gives of it, that *Jehoiada* did this being the *Kings Uncle*, and the chief Head and Prince of his Tribe, that is, not a private Subject, but a chief Prince in the Kingdom of Judah. The Doctor proceeds.

Convoc.
c.23.p.41.

Secondly, The Power Royal, or Supreme, was by right, by the express Ordinance and positive Law of God, annexed unto the Infant Prince, whom Jehoiada's Wife had saved from the Tyranny of Athaliah, as being next Heir now alive unto David. In the right of this Prince, and for the actual annexion of the Supreme Power to his person (unto whom it was de jure annexed) Jehoiada, being the chief Magistrate in the vacancy, did by force and violence Depose her, who had Usurpt the Royal Scepter by violence, and cruel Murder of her Seed Royal. All these words, in a different Character, are left out by our Author, and some of them very material ones, especially those, by the express Ordinance, and positive Law of God, and the next Heir now alive to David, which plainly refers to the Divine entail on David's Family, and distinguishes this from the case of other Usurpers, which is the very account the Convocation gave of it, as I shewed before, and overthrows all that our Author has said about the case of Athaliah, and for that reason he suppressed them, as any one will easily guess. Thus he leaves out, Jehoiada being the chief Magistrate in the vacancy, which shews this was an Act of Authority and Jurisdiction, which private Subjects must not pretend to; and therefore would not serve his purpose, and I believe by this time, he thinks he had better have let it all alone.

He concludes his Postscript with rage and venom, and I have no answer to that. I have indeed changed my Opinion about the Authority of Usurpers, who are settled in the Throne by the general consent and submission of the People, and of the Estates of the Realm, and I have Scripture and Reason, the Authority of the Church of England,

England, and the Laws of the Land (for any thing our Author has said to the contrary) to justify this change; and I assure him, I will change my Opinion in any thing else upon the same terms, and despise his censures of my Honesty for doing so; and as for Authority, I never pretended to any my self, and will never own any mans Authority, much less my own Opinions, in opposition to Scripture and Reason, the Church of England, and the Laws of the Land. But what a charitable Opinion our Author has of the present Government, and of all that comply with it, we may see in the Parallel he makes between my case and that of Hazael: as if swearing Allegiance to King William and Queen Mary were as great, as notorious, as self evident an impiety and wickedness, as all the villanies, which the Prophet Elisha foretold Hazael, that he would be guilty of: *I know the evil that thou wilt do unto the Children of Israel, their strong holds wilt thou set on fire, and their young men wilt thou slay with the sword, and wilt dash their children, and rip up their women with child.* 2 Kings 8. 12. But let our Author consider, who are most likely to be guilty of these Villanies, those who quietly submit to the Government, which is now settled among us, or those who are for overturning all by bringing in a French Power, to devour and consume with Fire and Sword, and to enslave their Native Country: if this be Allegiance and Passive Obedience, I am sure, what our Author calls Perjury and Rebellion are the greater virtues.

As for his parting Request, I do affirm it again, *That I never was factious against taking the Oaths, nor made it my business to dissuade men from it; when my Opinion was asked, I declared my own thoughts, but never sought out men to make Profelytes:* and in this Profession I am not afraid of his or any other mens memories so much as of their inventions, for there are some great Wits among them. Let them produce the man, if they can, whom I endeavoured to dissuade by word or writing from taking the Oaths, where my Opinion was not first asked; and if my Opinion had any Authority with them then, our Author knows, it is more than it ought to have had, and that was none of my fault; unless he means, that my Authority was considerable against taking the Oath, but none for it; which is the way, that all Parties and Factions judge of mens Authorities.

But though our Author seems very well acquainted with the thing called *Faction*, yet he is not willing to understand the word; and therefore I must tell him, that when I say, *I was never factious against the Oath*, I do not mean, that I was never hearty and zealous against taking the Oath; for I hope there may be Zeal without Faction.

tion; or that when I was pressed to discourse the matter, I did not talk with as much Warmth and Concernment as other Men.

But Faction is quite another thing, it shews it self in Separations, and Schisms, in Rancour and Bitterness, Envyings and Emulations, in violent Oppositions to Government, in changing and confining Friendships with a Party, in Censures and Reproaches, in stigmatizing all Persons of another Perswasion, as *perjur'd Knaves*; whereas tho there had been a material Perjury, a different Opinion may excuse from formal Perjury; for no Man is formally perjured, who does not know it: I shall not explain this by Instances; for if our Author is for writing *Secret Histories*, I am not so at present. And now I am at leisure to attend his motions, and to consider his threatened examination of all my arguments, whenever his *due time* for it comes; and if he will promise to examine them well, before he answers, I shall expect to hear no more from him.

THE END.

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